

HOUSE BILL 1278

I3, C5

0lr2756

By: **Delegates Shetty, Acevero, Arikan, Atterbeary, Bartlett, Cardin, Carr, Cox, D.M. Davis, W. Fisher, Griffith, Hill, Johnson, Pippy, Queen, Ruth, Saab, Solomon, Washington, Wilkins, and P. Young**

Introduced and read first time: February 7, 2020

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Voice Over Internet Protocol – Robocalls – Customer Information**

3 FOR the purpose of requiring a voice over Internet protocol (VoIP) service provider to obtain
4 certain information from a person making certain robocalls through the VoIP service
5 provider; providing that a person who willfully violates certain provisions is subject
6 to a certain civil penalty; defining certain terms; and generally relating to
7 information provided to VoIP providers by persons making robocalls.

8 BY adding to

9 Article – Commercial Law

10 Section 14–22A–01 through 14–22A–03 to be under the new subtitle “Subtitle 22A.
11 VoIP Robocalls”

12 Annotated Code of Maryland

13 (2013 Replacement Volume and 2019 Supplement)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
15 That the Laws of Maryland read as follows:

16 **Article – Commercial Law**

17 **SUBTITLE 22A. VOIP ROBOCALLS.**

18 **14–22A–01.**

19 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
20 INDICATED.

21 (B) (1) “AUTOMATIC DIALER” MEANS EQUIPMENT OR SOFTWARE THAT

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 MAKES A SERIES OF CALLS TO STORED TELEPHONE NUMBERS, INCLUDING NUMBERS
2 STORED ON A LIST.

3 (2) "AUTOMATIC DIALER" DOES NOT INCLUDE EQUIPMENT THAT
4 REQUIRES A HUMAN TO DIAL OR PLACE EACH INDIVIDUAL CALL ONE CALL AT A TIME,
5 AND REQUIRES THE HUMAN TO THEN REMAIN ON EACH CALL.

6 (C) "PERSON" INCLUDES AN INDIVIDUAL, CORPORATION, BUSINESS TRUST,
7 STATUTORY TRUST, ESTATE, TRUST, PARTNERSHIP, ASSOCIATION, TWO OR MORE
8 PERSONS HAVING A JOINT OR COMMON INTEREST, OR ANY OTHER LEGAL OR
9 COMMERCIAL ENTITY.

10 (D) "ROBOCALL" MEANS A CALL MADE, INCLUDING A TEXT MESSAGE SENT,
11 TO ANY TELEPHONE NUMBER OWNED BY A PERSON IN THE STATE USING:

12 (1) AN AUTOMATIC DIALER; OR

13 (2) AN ARTIFICIAL OR PRERECORDED VOICE.

14 (E) "VOICE OVER INTERNET PROTOCOL" OR "VOIP" HAS THE MEANING
15 STATED IN § 8-601 OF THE PUBLIC UTILITIES ARTICLE.

16 14-22A-02.

17 A VOIP SERVICE PROVIDER THAT IS LOCATED IN THE STATE SHALL OBTAIN
18 FROM A PERSON PLACING ROBOCALLS THROUGH THE VOIP SERVICE PROVIDER
19 THE FOLLOWING IDENTIFYING INFORMATION:

20 (1) THE PERSON'S LEGAL NAME AND THE NAME BY WHICH THE
21 PERSON DOES BUSINESS;

22 (2) CONTACT INFORMATION;

23 (3) THE PHYSICAL LOCATION OF THE PRIMARY PLACE OF BUSINESS;

24 (4) IF APPLICABLE, THE STATE OR COUNTRY OF INCORPORATION;

25 (5) THE FEDERAL TAX ID, IF ANY; AND

26 (6) THE NATURE OF THE PERSON'S BUSINESS.

27 14-22A-03.

1 **A PERSON WHO WILLFULLY VIOLATES THE REQUIREMENTS OF THIS SUBTITLE**
2 **IS LIABLE TO A CIVIL PENALTY OF \$500 FOR EACH ROBOCALL MADE.**

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 October 1, 2020.