

# HOUSE BILL 1094

I3  
HB 924/14 – ECM

5lr1283

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By: **Delegates Smith, Barkley, Barron, Brooks, Carey, Carr, Carter, Dumais, Gaines, Glenn, Hixson, Jackson, Jalisi, Korman, Luedtke, Moon, Morales, Patterson, Platt, Tarlau, Turner, Valderrama, Valentino-Smith, Walker, C. Wilson, and K. Young**

Introduced and read first time: February 13, 2015

Assigned to: Economic Matters

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## A BILL ENTITLED

1 AN ACT concerning

2 **Consumer Protection – Monitoring Consumer Behavior and Shopping Habits –**  
3 **Required Notice**

4 FOR the purpose of prohibiting a merchant from using a wireless Internet signal or a  
5 cellular phone to monitor the behavior or shopping habits of a certain consumer  
6 unless the merchant displays, at each entrance to the merchant's business premises,  
7 a certain notice in a certain manner; providing that a violation of this Act is an unfair  
8 or deceptive trade practice under the Maryland Consumer Protection Act and is  
9 subject to certain enforcement and penalty provisions; defining certain terms; and  
10 generally relating to merchants and the use of technology to monitor consumer  
11 behavior or shopping habits.

12 BY adding to  
13 Article – Commercial Law  
14 Section 14-1324  
15 Annotated Code of Maryland  
16 (2013 Replacement Volume and 2014 Supplement)

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

19 **Article – Commercial Law**

20 **14-1324.**

21 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**  
22 **INDICATED.**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1           **(2) “CONSUMER” HAS THE MEANING STATED IN § 13-101 OF THIS**  
2 **ARTICLE.**

3           **(3) “MERCHANT” HAS THE MEANING STATED IN § 13-101 OF THIS**  
4 **ARTICLE.**

5           **(B) A MERCHANT MAY NOT USE A WIRELESS INTERNET SIGNAL OR A**  
6 **CELLULAR PHONE TO MONITOR THE BEHAVIOR OR SHOPPING HABITS OF A**  
7 **CONSUMER WHO IS SHOPPING ON THE MERCHANT’S BUSINESS PREMISES UNLESS**  
8 **THE MERCHANT DISPLAYS AT EACH ENTRANCE TO THE MERCHANT’S BUSINESS**  
9 **PREMISES A NOTICE THAT CLEARLY AND CONSPICUOUSLY DISCLOSES TO THE**  
10 **CONSUMER THAT THE MERCHANT IS USING TECHNOLOGY TO MONITOR CONSUMER**  
11 **BEHAVIOR OR SHOPPING HABITS.**

12           **(C) A VIOLATION OF THIS SECTION:**

13                   **(1) IS AN UNFAIR OR DECEPTIVE TRADE PRACTICE UNDER TITLE 13**  
14 **OF THIS ARTICLE; AND**

15                   **(2) IS SUBJECT TO THE ENFORCEMENT AND PENALTY PROVISIONS**  
16 **CONTAINED IN TITLE 13 OF THIS ARTICLE.**

17           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
18 October 1, 2015.