

# HOUSE BILL 1090

I3, C5

8lr3419

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By: **Delegate Afzali**

Introduced and read first time: February 7, 2018

Assigned to: Economic Matters

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 10, 2018

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Consumer Protection – Caller ID Spoofing Ban of 2018**

3 FOR the purpose of prohibiting an individual or a person from taking certain actions to  
4 provide false location information when placing a telephone call with the intent to  
5 defraud, harass, cause harm, or obtain anything of value; providing for the  
6 application of this Act; establishing a certain penalty; defining a certain term; and  
7 generally relating to caller ID spoofing.

8 BY repealing and reenacting, without amendments,  
9 Article – Commercial Law  
10 Section 13–301(1), (14)(xxx), and (15), 13–401, and 13–408(a) and (b)  
11 Annotated Code of Maryland  
12 (2013 Replacement Volume and 2017 Supplement)

13 BY repealing and reenacting, with amendments,  
14 Article – Commercial Law  
15 Section 13–301(14)(xxix)  
16 Annotated Code of Maryland  
17 (2013 Replacement Volume and 2017 Supplement)

18 BY adding to  
19 Article – Commercial Law  
20 Section 13–301(14)(xxxi) and 14–1326  
21 Annotated Code of Maryland  
22 (2013 Replacement Volume and 2017 Supplement)

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**EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.**

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



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

3 **Article – Commercial Law**

4 13–301.

5 Unfair or deceptive trade practices include any:

6 (1) False, falsely disparaging, or misleading oral or written statement,  
7 visual description, or other representation of any kind which has the capacity, tendency, or  
8 effect of deceiving or misleading consumers;

9 (14) Violation of a provision of:

10 (xxix) Title 19, Subtitle 7 of the Business Regulation Article; [or]

11 (xxx) Section 15–311.3 of the Transportation Article; or

12 **(XXXI) SECTION 14–1326 OF THIS ARTICLE; OR**

13 (15) Act or omission that relates to a residential building and that is  
14 chargeable as a misdemeanor under or otherwise violates a provision of the Energy  
15 Conservation Building Standards Act, Title 7, Subtitle 4 of the Public Utilities Article.

16 13–401.

17 (a) A consumer who is subjected to a violation of this title may file with the  
18 Division a written complaint which states:

19 (1) The name and address of the person alleged to have committed the  
20 violation complained of;

21 (2) The particulars of the violation; and

22 (3) Any other information required by the Division.

23 (b) After the filing of a complaint, the Division shall investigate the allegations to  
24 ascertain issues and facts. If appropriate, the Division shall refer a complaint to the Federal  
25 Trade Commission.

26 (c) The Division may seek the cooperation of the licensing authorities and  
27 contracting departments of the State in connection with its investigation of a person who  
28 is licensed to do business in the State or who has a contractual relationship with the State.

1 (d) If the Division determines that the complaint lacks reasonable grounds on  
2 which to base a violation of this subtitle, it may:

3 (1) Dismiss the complaint; or

4 (2) Conduct any further investigation it considers necessary.

5 (e) This section does not prevent a consumer from:

6 (1) Exercising any right or seeking any remedy to which he might  
7 otherwise be entitled; or

8 (2) Filing a complaint with any other agency or court.

9 13-408.

10 (a) In addition to any action by the Division or Attorney General authorized by  
11 this title and any other action otherwise authorized by law, any person may bring an action  
12 to recover for injury or loss sustained by him as the result of a practice prohibited by this  
13 title.

14 (b) Any person who brings an action to recover for injury or loss under this section  
15 and who is awarded damages may also seek, and the court may award, reasonable  
16 attorney's fees.

17 **14-1326.**

18 (A) **IN THIS SECTION, "CALLER ID SPOOFING" MEANS THE PRACTICE OF**  
19 **USING AN APPLICATION OR OTHER TECHNOLOGY FOR A TELEPHONE TO BLOCK THE**  
20 **CALLER'S TRUE LOCATION AND INSTEAD SHOW A FALSE LOCATION THAT APPEARS**  
21 **TO BE LOCAL TO THE INDIVIDUAL RECEIVING THE CALL.**

22 (B) **AN INDIVIDUAL OR PERSON MAY NOT PERFORM CALLER ID SPOOFING**  
23 **WHEN CONTACTING ANOTHER INDIVIDUAL ~~OR PERSON~~ IN THE STATE WITH THE**  
24 **INTENT TO DEFRAUD, HARASS, CAUSE HARM TO, OR OBTAIN ANYTHING OF VALUE**  
25 **FROM ANOTHER.**

26 (C) **THIS SECTION DOES NOT APPLY TO:**

27 (1) **THE BLOCKING OF CALLER IDENTIFICATION Information;**

28 (2) **A FEDERAL, STATE, COUNTY, OR MUNICIPAL LAW ENFORCEMENT**  
29 **AGENCY;**

30 (3) **A FEDERAL INTELLIGENCE OR SECURITY AGENCY; OR**

**(4) A TELECOMMUNICATIONS, BROADBAND, OR VOICE OVER INTERNET PROTOCOL SERVICE PROVIDER THAT IS:**

**(I) ACTING IN THE TELECOMMUNICATIONS, BROADBAND, OR VOICE OVER INTERNET PROTOCOL SERVICE PROVIDER’S CAPACITY AS AN INTERMEDIARY FOR THE TRANSMISSION OF TELEPHONE SERVICE BETWEEN THE CALLER AND THE RECIPIENT;**

**(II) PROVIDING OR CONFIGURING A SERVICE OR SERVICE FEATURE AS REQUESTED BY THE CUSTOMER;**

**(III) ACTING IN A MANNER THAT IS AUTHORIZED OR REQUIRED BY APPLICABLE LAW; OR**

**(IV) ENGAGING IN OTHER CONDUCT THAT IS NECESSARY TO PROVIDE SERVICE.**

**(D) A VIOLATION OF THIS SECTION IS:**

**(1) AN UNFAIR OR DECEPTIVE TRADE PRACTICE WITHIN THE MEANING OF TITLE 13 OF THIS ARTICLE; AND**

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

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.