

Chapter 515

(House Bill 1090)

AN ACT concerning

Consumer Protection – Caller ID Spoofing Ban of 2018

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

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

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

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

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

Article – Commercial Law

13–301.

Unfair or deceptive trade practices include any:

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

(14) Violation of a provision of:

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

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

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

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

13–401.

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

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

(2) The particulars of the violation; and

(3) Any other information required by the Division.

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

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

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

(1) Dismiss the complaint; or

(2) Conduct any further investigation it considers necessary.

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

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

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

13–408.

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

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

14-1326.

~~(A) IN THIS SECTION, "CALLER ID SPOOFING" MEANS THE PRACTICE OF USING AN APPLICATION OR OTHER TECHNOLOGY FOR A TELEPHONE TO BLOCK THE CALLER'S TRUE LOCATION AND INSTEAD SHOW A FALSE LOCATION THAT APPEARS TO BE LOCAL TO THE INDIVIDUAL RECEIVING THE CALL~~ (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) "CALLER IDENTIFICATION INFORMATION" MEANS INFORMATION PROVIDED BY A CALLER IDENTIFICATION SERVICE REGARDING THE TELEPHONE NUMBER OF, OR OTHER INFORMATION REGARDING THE ORIGIN OF, A CALL MADE USING A COMMUNICATIONS SERVICE, INCLUDING A TELECOMMUNICATIONS, BROADBAND, OR INTERCONNECTED VOICE OVER INTERNET PROTOCOL SERVICE.

(3) "CALLER ID SPOOFING" MEANS THE PRACTICE OF USING AN APPLICATION OR OTHER TECHNOLOGY IN CONNECTION WITH A COMMUNICATIONS SERVICE, INCLUDING A TELECOMMUNICATIONS, BROADBAND, OR INTERCONNECTED VOICE OVER INTERNET PROTOCOL SERVICE, TO KNOWINGLY CAUSE ANY CALLER IDENTIFICATION SERVICE TO TRANSMIT FALSE OR MISLEADING CALLER IDENTIFICATION INFORMATION TO AN INDIVIDUAL RECEIVING A CALL.

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

(C) THIS SECTION DOES NOT APPLY TO:

- (1) THE BLOCKING OF CALLER IDENTIFICATION INFORMATION;
- (2) A FEDERAL, STATE, COUNTY, OR MUNICIPAL LAW ENFORCEMENT AGENCY;
- (3) A FEDERAL INTELLIGENCE OR SECURITY AGENCY; OR

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

(I) ACTING IN THE ~~TELECOMMUNICATIONS, BROADBAND, OR VOICE OVER INTERNET PROTOCOL~~ COMMUNICATIONS 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 by the Governor, May 8, 2018.