

NEW MINI-TCPA STATE LAWS ARE PASSED FOR MARYLAND AND NEW JERSEY: What you Need to know!

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Duchess here to introduce you to the two newest members of state telemarketing law, the addition and revisions. Maryland with Stop the Spam Calls Act of 2023 and New Jersey with the passing and signing of S921. Let's get into it!

Here is what you need to know about the new Maryland bill that goes into effect on January 1, 2024. The [Czar initially brought you the breakdown of the bill](#) back in January of this year and the bill largely remained the same. With a few additions, you can check out the final version [here](#).

- Cannot conceal identity through call-blocking technology
- Cannot display a different number than the one the call is originating from
- Allowed called hours 8 AM to 8 PM
- Limit of 3 calls per 24-hour period on the same matter or issue regardless of the number used

With AI emerging and the scams that come along with it, I am thinking along the lines of AI-altered voice, looks like Maryland is ahead of the ball by including the following in the new law:

(C) A PERSON MAY NOT MAKE OR CAUSE TO BE MADE A TELEPHONE SOLICITATION, INCLUDING A CALL MADE THROUGH AUTOMATED DIALING OR A RECORDED MESSAGE:

(3) BY INTENTIONALLY ALTERING THE VOICE OF THE CALLER IN AN ATTEMPT TO DISGUISE OR CONCEAL THE IDENTITY OF THE CALLER IN ORDER TO:

(I) DEFRAUD, CONFUSE, OR FINANCIALLY OR OTHERWISE INJURE THE CALLED PARTY; OR

(II) OBTAIN PERSONAL INFORMATION FROM THE CALLED PARTY THAT MAY BE USED IN A FRAUDULENT OR UNLAWFUL MANNER.

On to New Jersey, a few revisions to the current statutes will be effective in December of 2023. Additional disclosure requirements are to be disclosed within the first 30 seconds, see 10 b. Telemarketers must disclose their mailing address, and any company on whose behalf they are telemarketing, on owned websites and written correspondence with consumers, see 10 c. In addition

to other applicable laws violation of the subsection will constitute a disorderly person offense, which carries up to 6 months in jail and up to \$1,000 in fines. (Underline is new, [is removed])

1. Section 10 of P.L.2003, c.76 (C.56:8-128) is amended to read as follows:
2. a. ~~[No]~~ A telemarketer shall not make or cause to be made any unsolicited telemarketing sales call to any customer whose telephone number is included on the no telemarketing call list established pursuant to section 9 of ~~[this act]~~ P.L.2003, c.76 (C.56:8-127), except for a call made within three months of the date the customer's telephone number was first included on the no call list but only if the telemarketer had at the time of the call not yet obtained a no call list which included the customer's telephone number and the no call list used by the telemarketer was issued less than three months prior to the time the call was made.
3. A telemarketer making a telemarketing sales call shall, within the first 30 seconds of the call, accurately identify the telemarketer's name, the name and telephone number of the person on whose behalf the call is being made, and the purpose of the call. ¹[A] In addition to any other penalties provided by law, a¹ violation of this subsection shall constitute a disorderly persons offense.
4. A telemarketer shall be required to disclose the mailing address of the telemarketer, and any company on whose behalf the company is telemarketing, on any website owned or operated by the telemarketer and on any subsequent written communication to a customer.
5. A telemarketer shall not make or cause to be made any unsolicited telemarketing sales call to any customer between the hours of ~~[9 p.m. and 8 a.m.]~~ 9:00 p.m. and 8:00 a.m., local time, at the customer's location.

[d.] e. A telemarketer shall not intentionally use any method that blocks a caller identification service from displaying caller identification information or otherwise circumvents a customer's use of a telephone caller identification service, including, but not limited to, the use of any technology or method which displays a telephone number or name not associated with the telemarketer or intentionally designed to misrepresent the telemarketer's identity.

1. The requirements of this section shall not apply to any telemarketer who makes a residential marketing call in response to a customer's phone call or contact with the telemarketer's website, in which the customer affirmatively requests a follow-up telemarketing sales call or other contact from the telemarketer.

(cf:P.L.2005,c.289,s.1)

2. This act shall take effect on the first day of the seventh month following enactment.

As always we will keep a pulse on the ever, EVER changing state telemarketing laws!

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National Law Review, Volume XIII, Number 138

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