

AMENDMENTS TO HOUSE BILL NO. 820

Sponsor: REPRESENTATIVE FARRY

Printer's No. 1811

1 Amend Bill, page 1, line 4, by inserting after "for"
2 definitions, for

3 Amend Bill, page 1, lines 9 through 15; page 2, lines 1
4 through 3; by striking out all of said lines on said pages and
5 inserting

6 Section 1. Section 2 of the act of December 4, 1996
7 (P.L.911, No.147), known as the Telemarketer Registration Act,
8 is amended by adding a definition to read:

9 Section 2. Definitions.

10 The following words and phrases when used in this act shall
11 have the meanings given to them in this section unless the
12 context clearly indicates otherwise:

13 * * *

14 "Robocall." A telephone solicitation call made to a large
15 number of people, using a computerized autodialer, to deliver a
16 prerecorded telemarketing message.

17 * * *

18 Section 2. Section 5(a)(2) of the act is amended and the
19 section is amended by adding a paragraph to read:

20 Section 5. Unlawful acts and penalties.

21 (a) Acts enumerated.--The following acts are prohibited:

22 * * *

23 (2) Initiating an outbound telephone call, including a
24 robocall, to a person when that person previously has stated
25 that he or she does not wish to receive an outbound telephone
26 call made by or on behalf of the seller whose goods or
27 services are being offered. A seller or telemarketer will not
28 be liable for violating the provisions of this paragraph if:

29 (i) he has established and implemented written
30 procedures to comply with this paragraph;

31 (ii) he has trained his personnel in the procedures;

32 (iii) the seller or the telemarketer acting on
33 behalf of the seller has maintained and recorded lists of
34 persons who may not be contacted; and

35 (iv) any subsequent call is the result of error.

36 * * *

1 (10) Conducting telemarketing on a legal holiday.

2 * * *

3 Section 3. Section 5.2(c) and (j) of the act, amended
4 September 12, 2003 (P.L.105, No.22), are amended and the section
5 is amended by adding a subsection to read:

6 Amend Bill, page 2, by inserting between lines 12 and 13

7 (j) Identification.--No telemarketer shall fail to provide a
8 residential or wireless telephone subscriber with the name of
9 the caller, the name of the person or entity on whose behalf the
10 call is being made and, upon request, a telephone number or
11 address at which the person or entity may be contacted. If a
12 telemarketer makes a solicitation using [an artificial or
13 prerecorded voice message transmitted by an autodialer or
14 prerecorded message player which placed the telephone
15 solicitation call] a robocall, the telephone number may not be a
16 900 number or any other number for which charges exceed local or
17 long-distance transmission charges.

18 * * *

19 (1) Robocall requirements.--

20 (1) A telemarketer or telemarketing business that uses
21 robocalls:

22 (i) Shall establish a procedure, consistent with the
23 requirements under subparagraph (ii), for a called person
24 to opt out of receiving future telephone solicitation
25 calls from that telemarketer or telemarketing business
26 and be immediately taken off the telemarketer's call
27 list.

28 (ii) Shall provide notice to a called number, at the
29 beginning of the call, stating how a called person can
30 opt out of receiving future telephone solicitation calls
31 from that telemarketer or telemarketing business.
32 Immediate opt out shall be available through an
33 automated, interactive voice-activated or key press-
34 activated opt-out mechanism for the called person to make
35 a do-not-call request, including brief explanatory
36 instructions on how to use the opt out mechanism, within
37 two seconds of disclosing the name of the caller and the
38 name of the person or entity on whose behalf the call is
39 being made. The called person shall be able to opt out
40 throughout the duration of the call.

41 (iii) May not require a called person's written
42 consent as a condition to opt out of future telemarketing
43 calls.

44 (iv) May not consider the action of opting out as
45 the creation of an established business relationship.

46 (2) When a robocall is left on an answering machine or a
47 voice mail service, the message must provide a toll-free
48 telephone number that enables the called person to call back
49 at a later time and connect directly to the automated,

1 interactive voice-activated or key press-activated opt-out
2 mechanism and automatically record the called person's number
3 to the do-not-call list of the telemarketer or telemarketing
4 business.

5 Amend Bill, page 2, line 13, by striking out "3" and
6 inserting

7 4