

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 295 Session of
2007

INTRODUCED BY McGEEHAN, DePASQUALE, R. MILLER, SIPTROTH, BOYD,
CARROLL, DALEY, FABRIZIO, GALLOWAY, GERBER, GOODMAN, GRUCELA,
HARHAI, KING, LEACH, LEVDANSKY, MARSHALL, McILHATTAN, MELIO,
PETRARCA, PETRONE, READSHAW, SANTONI, SCAVELLO, SURRA,
SWANGER AND THOMAS, FEBRUARY 7, 2007

REFERRED TO COMMITTEE ON STATE GOVERNMENT, FEBRUARY 7, 2007

AN ACT

1 Amending the act of December 4, 1996 (P.L.911, No.147), entitled
2 "An act providing for registration requirements for
3 telemarketers and for powers and duties of the Office of
4 Attorney General," expanding the scope of the act to cover
5 automated political solicitations.

6 The General Assembly of the Commonwealth of Pennsylvania
7 hereby enacts as follows:

8 Section 1. The title and section 1 of the act of December 4,
9 1996 (P.L.911, No.147), known as the Telemarketer Registration
10 Act, are amended to read:

AN ACT

12 Providing for registration requirements for telemarketers, for
13 regulation of telephone solicitation and for powers and
14 duties of the Office of Attorney General.

15 Section 1. Short title.

16 This act shall be known and may be cited as the Telemarketer
17 Registration and Telephone Solicitation Regulation Act.

18 Section 2. The definition of "telephone solicitation call"

1 in section 2 of the act, amended September 12, 2003 (P.L.105,
2 No.22), is amended to read:

3 Section 2. Definitions.

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

7 * * *

8 "Telephone solicitation call." A call made to a residential
9 or wireless telephone subscriber for the purpose of soliciting
10 the sale of any consumer goods or services [or]; for the purpose
11 of obtaining information that will or may be used for the direct
12 solicitation of a sale of consumer goods or services or an
13 extension of credit for that purpose; or for the purpose of
14 influencing the subscriber to vote or to vote in a specified
15 manner in a general election, municipal election, primary
16 election or special election. The term does not include a call
17 made to a residential or wireless telephone consumer:

18 (1) In response to an express request of the residential
19 or wireless telephone consumer.

20 (2) In reference to an existing debt, contract, payment
21 or performance.

22 (3) With whom the telemarketer has an established
23 business relationship within the past 12 months preceding the
24 call.

25 (4) On behalf of an organization granted tax-exempt
26 status under section 501(c)(3), (5) or (8) of the Internal
27 Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 1 et
28 seq.) or a veterans organization chartered by the Congress of
29 the United States and or its duly appointed foundation.

30 (5) On behalf of a political candidate or a political

1 party unless the call is made by the use of automated dialing
2 equipment.

3 Section 3. Section 5.2 of the act is amended by adding a
4 subsection to read:

5 Section 5.2. Unwanted telephone solicitation calls prohibited.

6 * * *

7 (1) Automated political calls.--A person may not use
8 automatic dialing equipment to make a telephone solicitation
9 call on behalf of a political candidate or a political party.

10 Section 4. This act shall take effect in 60 days.