

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 479 Session of
2007

INTRODUCED BY C. WILLIAMS, FONTANA, BOSCOLA, RAFFERTY, GORDNER,
MUSTO, COSTA, WAUGH, FERLO, WASHINGTON, EARLL, RHOADES AND
WOZNIAK, MARCH 29, 2007

REFERRED TO CONSUMER PROTECTION AND PROFESSIONAL LICENSURE,
MARCH 29, 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," further providing for definitions and for
5 unlawful acts and penalties.

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

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

11 Section 2. Definitions.

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

15 "Advocacy push poll." A paid telephone survey or
16 telemarketing calling campaign conducted by a telemarketer that
17 attempts to sway public policy interests by referencing an
18 elected Federal, State or local official, candidate, group of

1 candidates or political party if one of the following apply:

2 (1) The survey or campaign fails to make demographic
3 inquiries on a relevant subset of the population consistent
4 with standard polling industry practices.

5 (2) The telemarketer does not collect or tabulate survey
6 results.

7 (3) The telemarketer prefaces a question regarding
8 support for or opposition to a candidate, political party or
9 Federal, State or local elected official on the basis of an
10 untrue statement.

11 (4) The telemarketer incites the recipient of the call
12 to make personal contact to a Federal, State or local elected
13 official for the purpose of suppressing or changing the
14 voting position of the Federal, State or local elected
15 official on public policy matters.

16 * * *

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

19 Section 5. Unlawful acts and penalties.

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

21 * * *

22 (10) Contacting residential telephone subscribers in
23 this Commonwealth for the purposes of conducting an advocacy
24 push poll between the hours of 9 p.m. and 8 a.m. or failing
25 to disclose promptly to any consumer during an advocacy push
26 poll all of the following:

27 (i) The purpose of the call.

28 (ii) The name of the telemarketer or telemarketing
29 business and what issue the telemarketer or telemarketing
30 business is advocating.

1 (iii) The name of the individual or organization
2 authorizing the advocacy push poll.

3 * * *

4 Section 3. This act shall take effect immediately.