

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2675 Session of 2010

INTRODUCED BY GROVE, GILLESPIE, MILLER, MOUL, TALLMAN, BELFANTI, BOYD, BRADFORD, CALTAGIRONE, CLYMER, COHEN, CONKLIN, CREIGHTON, DENLINGER, ELLIS, FLECK, GEIST, GINGRICH, GOODMAN, HAHN, HARHAI, HENNESSEY, HESS, M. KELLER, KNOWLES, LEVDANSKY, MARSHALL, METZGAR, MILLARD, MURT, OLIVER, O'NEILL, PAYNE, PYLE, READSHAW, REICHLEY, ROCK, SIPTROTH, STEVENSON, SWANGER, R. TAYLOR, TRUE, VULAKOVICH AND YOUNGBLOOD, AUGUST 26, 2010

REFERRED TO COMMITTEE ON CONSUMER AFFAIRS, AUGUST 26, 2010

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 to  
5 include text messages.

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

8 Section 1. The definition of "telephone solicitation call"  
9 in section 2 of the act of December 4, 1996 (P.L.911, No.147),  
10 known as the Telemarketer Registration Act, amended September  
11 12, 2003 (P.L.105, No.22), is amended and the section is amended  
12 by adding definitions to read:

13 Section 2. Definitions.

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

17 \* \* \*

1 "Electronic wireless communications device." A handheld  
2 electronic device that permits the user to send or receive  
3 electronic communications. The term does not include a voice-  
4 activated global positioning or navigation system affixed to a  
5 vehicle.

6 \* \* \*

7 "Telephone call." A call made in the form of an audible  
8 communication or text message.

9 "Telephone solicitation call." A telephone call made to a  
10 residential or wireless telephone subscriber for the purpose of  
11 soliciting the sale of any consumer goods or services or for the  
12 purpose of obtaining information that will or may be used for  
13 the direct solicitation of a sale of consumer goods or services  
14 or an extension of credit for that purpose. The term does not  
15 include a call made to a residential or wireless telephone  
16 consumer:

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

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

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

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

29 (5) On behalf of a political candidate or a political  
30 party.

1     "Text message." A written communication consisting of words  
2     typed or entered on a keypad of a telephone or electronic  
3     wireless communication and sent electronically.

4     Section 2. This act shall take effect in 60 days.