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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 951 Session of  
2011

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INTRODUCED BY SCHRODER, D. COSTA, FABRIZIO, GEORGE, GINGRICH,  
GOODMAN, GROVE, HORNAMAN, KAVULICH, MILLER, MOUL, MURT, PYLE,  
ROAE, SWANGER, TRUITT, WATSON AND WHITE, MARCH 4, 2011

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REFERRED TO COMMITTEE ON CONSUMER AFFAIRS, MARCH 4, 2011

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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 the definitions of  
5 "telemarketing" and "telephone solicitation call" and for  
6 unlawful acts and penalties.

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

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

14 Section 2. Definitions.

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

18 \* \* \*

19 "Telemarketing." A plan, program or campaign which is

1 conducted to induce the purchase of goods or services or to  
2 solicit contributions for any charitable purpose, charitable  
3 promotion or for or on behalf of any charitable organization,  
4 political party or political candidate by use of one or more  
5 telephones and which involves more than one telephone call. For  
6 purposes of this act, the terms "charitable purpose,"  
7 "charitable promotion," "charitable organization," "professional  
8 fundraising counsel," "professional solicitor" and  
9 "solicitation" have the meanings as defined in the act of  
10 December 19, 1990 (P.L.1200, No.202), known as the Solicitation  
11 of Funds for Charitable Purposes Act.

12 \* \* \*

13 "Telephone solicitation call." A call made to a residential  
14 or wireless telephone subscriber for the purpose of soliciting  
15 the sale of any consumer goods or services or for the purpose of  
16 obtaining information that will or may be used for the direct  
17 solicitation of a sale of consumer goods or services or an  
18 extension of credit for that purpose. The term shall include a  
19 call made to a residential or wireless telephone subscriber for  
20 the purpose of promoting or expressing opposition to any  
21 political candidate or political party. The term does not  
22 include a call made to a residential or wireless telephone  
23 consumer:

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

26 (2) In reference to an existing debt, contract, payment  
27 or performance.

28 (3) With whom the telemarketer has an established  
29 business relationship within the past 12 months preceding the  
30 call.

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

6           [(5) On behalf of a political candidate or a political  
7 party.]

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

10 Section 5. Unlawful acts and penalties.

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

12           \* \* \*

13           (5.1) In the case of telemarketing on behalf of a  
14 political candidate or a political party, failing to disclose  
15 promptly to any consumer during the initial telephone contact  
16 the name of the individual or organization subsidizing the  
17 telemarketer or telemarketing business for that particular  
18 call.

19           \* \* \*

20           Section 3. This act shall take effect in 90 days.