

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 217 Session of
2001

INTRODUCED BY HOLL AND CONTI, FEBRUARY 2, 2001

REFERRED TO CONSUMER PROTECTION AND PROFESSIONAL LICENSURE,
FEBRUARY 2, 2001

AN ACT

1 Amending Title 66 (Public Utilities) of the Pennsylvania
2 Consolidated Statutes, establishing a telemarketing "do not
3 call" registry; requiring certain public utilities to collect
4 and transmit certain information from consumers relating to
5 telemarketing sales calls; providing for the duties of the
6 Pennsylvania Public Utility Commission and telemarketers; and
7 providing for prohibited telemarketing activity.

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

10 Section 1. Chapter 29 of Title 66 of the Pennsylvania
11 Consolidated Statutes is amended by adding a subchapter to read:

12 SUBCHAPTER C

13 TELEMARKETING SALES CALL REGULATION

14 Sec.

15 2921. Scope.

16 2922. Definitions.

17 2923. Telemarketing "do not call" registry.

18 2924. Public utility duties.

19 2925. Commission duties.

20 2926. Biennial administrative fee.

1 2927. Prohibited activity.

2 § 2921. Scope.

3 This subchapter regulates telemarketing activities that
4 relate to the telemarketing "do not call" registry established
5 in this subchapter.

6 § 2922. Definitions.

7 (a) General rule.--The words and phrases used in this
8 subchapter shall have the same meaning given to them in the act
9 of act of December 4, 1996 (P.L.911, No.147), known as the
10 Telemarketer Registration Act, unless the context clearly
11 provides otherwise.

12 (b) Special definitions.--The following words and phrases
13 when used in this subchapter shall have the meanings given to
14 them in this subsection unless the context clearly provides
15 otherwise:

16 "Registry." The "do not call" registry established in this
17 subchapter.

18 "Telemarketer Registration Act." The act of December 4, 1996
19 (P.L.911, No.147), known as the Telemarketer Registration Act.

20 "Telemarketing sales call." A telephone call made by a
21 telemarketer to a customer for the purpose of inducing payment
22 or the exchange of any other consideration for any consumer
23 goods and services.

24 "Unsolicited telemarketing sales call." Any telemarketing
25 sales call other than a call made:

26 (1) In response to an express written or verbal request
27 of the customer called.

28 (2) In connection with an established business
29 relationship, which has not been terminated by either party.

30 (3) To an existing customer, unless such customer has

1 stated to the telemarketer that such customer no longer
2 wishes to receive the telemarketing sales calls of such
3 telemarketer.

4 (4) In which the sale of goods and services is not
5 completed, and payment or authorization of payment is not
6 required, until after a face-to-face sales presentation by
7 the telemarketer or a meeting between the telemarketer and
8 customer.

9 § 2923. Telemarketing "do not call" registry.

10 The commission shall establish and maintain a Statewide "do
11 not call" registry for certain information relating to
12 telemarketing sales calls. The registry shall contain a list of
13 consumers who do not wish to receive unsolicited telemarketing
14 sales calls.

15 § 2924. Public utility duties.

16 (a) Notice to consumers.--A public utility shall send to
17 each customer to which it provides telephone services an
18 explanation of the provisions of this subchapter, including the
19 toll-free telephone number maintained by the commission under
20 this chapter, and a telemarketing rejection form that permits a
21 customer who does not wish to receive unsolicited telemarketing
22 sales calls to request in writing that the customer's name and
23 telephone number be placed in the telemarketing "do not call"
24 registry.

25 (b) No charge to consumers.--No public utility may charge a
26 fee to a consumer for submitting the telemarketing rejection
27 form to the public utility.

28 (c) Quarterly lists to commission.--On a quarterly basis, a
29 public utility shall forward to the commission, in a medium
30 acceptable to the commission, the names and telephone numbers of

1 each customer who submits a completed telemarketing rejection
2 form to the public utility for that quarter.

3 (d) Telephone directory form.--A public utility shall
4 include in each telephone directory printed by the public
5 utility one year after the effective date of this subchapter a
6 copy of the telemarketing rejection form.

7 § 2925. Commission duties.

8 (a) Maintenance of registry.--On a quarterly basis, the
9 commission shall utilize the information provided by the public
10 utilities under section 2924(c) (relating to public utility
11 duties) and shall update the names and telephone numbers of the
12 customers on the registry.

13 (b) Copy of registry to telemarketers.--The commission shall
14 provide a copy of the registry, in a medium determined by the
15 commission, to telemarketers who are registered under the
16 Telemarketer Registration Act and who have paid the biennial
17 administrative fee required by section 2926 (relating to
18 biennial administrative fee).

19 (c) Toll-free number.--The commission shall establish and
20 maintain a toll-free number for citizens of this Commonwealth to
21 call for information on this subchapter.

22 § 2926. Biennial administrative fee.

23 (a) General rule.--In addition to the biennial application
24 fee required by section 4(d) of the Telemarketing Registration
25 Act, at the time such fee is paid each telemarketer shall pay a
26 biennial administrative fee, which fee shall be paid to the
27 Attorney General. The Attorney General shall transfer the fee to
28 the commission for deposit into the Do Not Call Registry
29 Account, which account is hereby established as a special
30 account within the General Fund.

1 (b) Amount.--The commission shall determine the amount of
2 the biennial administrative fee, provided that the amount shall
3 not be greater than necessary to reimburse the commission for
4 the cost of administering this subchapter.

5 § 2927. Prohibited activity.

6 (a) General rule.--No telemarketer may make or cause to be
7 made any unsolicited telemarketing sales call to any consumer
8 more than 30 days after the consumer's name and telephone number
9 appears on the then current registry provided to telemarketers
10 by the commission under section 2925(b) (relating to commission
11 duties).

12 (b) Penalty.--A violation of this section shall constitute a
13 violation of section 5(a) of the Telemarketing Registration Act.

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