

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 429

Session of
1987

INTRODUCED BY D. R. WRIGHT, COHEN, COLAFELLA, COY, DeLUCA,
MORRIS, OLASZ, PISTELLA, PRESSMANN, RYBAK, STABACK, SWEET,
F. TAYLOR, TIGUE, TRELLO, VEON, YANDRISEVITS, HECKLER, REBER,
WOGAN, ARTY, BUNT, CARLSON, CIVERA, DISTLER, FARMER, FOX,
GEIST, HERMAN, JADLOWIEC, JOHNSON, LANGTRY, RAYMOND, SAURMAN,
SCHEETZ, SCHULER, B. SMITH, D. W. SNYDER, TELEK AND
J. L. WRIGHT, FEBRUARY 25, 1987

REFERRED TO COMMITTEE ON CONSUMER AFFAIRS, FEBRUARY 25, 1987

AN ACT

1 Amending Title 66 (Public Utilities) of the Pennsylvania
2 Consolidated Statutes, providing for the regulation of
3 telephone companies that provide recorded message calls.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Title 66 of the Pennsylvania Consolidated
7 Statutes is amended by adding a section to read:

8 § 2905. Recorded message calls.

9 (a) Notice.--Any telephone recorded message service that
10 provides a recorded commercial, informational, public service or
11 other 976 message for a specific charge billed to the caller by
12 a local phone company, prior to the presentation of the recorded
13 message, shall warn the caller that the cost of the call will be
14 charged and that the charge will be itemized on the caller's
15 telephone bill. In the event the message requested contains
16 explicit sexual material, the warning preceding the message

1 shall also inform the caller the message contains explicit
2 sexual material.

3 (b) Intrastate services.--Before any call can be completed
4 to any telephone message service containing explicit sexual
5 material, the caller shall have first obtained an access code
6 number or other personal identification number from the
7 telephone message service through written application to the
8 telephone message service. This access code number or personal
9 identification number must be presented to the telephone message
10 service after the warning message and in order to complete the
11 call.

12 (c) Dissemination to minors.--Access codes or personal
13 identification numbers obtained to complete calls containing
14 explicit sexual material as defined in 18 Pa.C.S. § 5903
15 (relating to obscene and other sexual materials) shall not be
16 issued to a minor. Telephone message services shall exercise all
17 reasonable methods to ascertain that the applicant is not a
18 minor.

19 (d) Telephone company duties.--Every local telephone company
20 and competitive interexchange telephone service shall list all
21 976 calls on the customer telephone bill and shall designate the
22 type or title of message obtained. In addition, the telephone
23 company shall provide, upon request, at no cost to the consumer,
24 the name and address of any telephone service provider. All
25 telephone companies shall include in their 976-type tariffs or
26 in any contract with a recorded 976 message service sponsor a
27 clause requiring compliance with this section as a condition for
28 continuation of the service.

29 (e) Costs of service.--

30 (1) All costs relating to this section shall be borne

1 solely by the 976 recorded message service.

2 (2) All telephone recorded message services using any
3 976 messages shall provide, in writing, to all telephone
4 companies and competitive interexchange telephone companies
5 providing service in this Commonwealth, their complete
6 telephone number or numbers, including area codes and type or
7 title of service provided. This information shall be provided
8 at the time of newly established service, change in service
9 and annually.

10 (f) Enforcement.--

11 (1) The commission shall promulgate rules or regulations
12 to ensure the compliance of telephone companies providing
13 recorded 976 messages with this section.

14 (2) The failure of a telephone company to comply with
15 this section shall be a violation of this section and the
16 telephone company shall be subject to enforcement proceedings
17 pursuant to section 502 (relating to enforcement proceedings
18 by commission).

19 (3) Failure of a recorded 976 message service to comply
20 with this section shall be a violation of the act of December
21 17, 1968 (P.L.1224, No.387), known as the Unfair Trade
22 Practices and Consumer Protection Law, and 18 Pa.C.S. Ch. 39
23 (relating to theft and related offenses).

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