

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,
J. L. WRIGHT, NAHILL AND KASUNIC, FEBRUARY 24, 1987

AS AMENDED ON THIRD CONSIDERATION, IN SENATE,
FEBRUARY 9, 1988

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.~~ TELEPHONE MESSAGE SERVICES. <—

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

1 explicit sexual material, the warning preceding the message
2 shall also inform the caller the message contains explicit
3 sexual material.

4 (b) Intrastate services.--Before any call can be completed
5 to any telephone message service containing explicit sexual
6 material, the caller shall have first obtained an access code
7 number or other personal identification number CONSISTING OF NOT <—
8 LESS THAN NINE DIGITS from the telephone message service through
9 written application to the telephone message service. This
10 access code number or personal identification number must be
11 presented to the telephone message service after the warning
12 message and in order to complete the call.

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

20 (d) Telephone company duties.--Every local telephone company
21 and competitive interexchange telephone service shall list all
22 976 TELEPHONE MESSAGE SERVICE calls on the customer telephone <—
23 bill and shall designate the type or title of message obtained.
24 In addition, the telephone company shall provide, upon request,
25 at no cost to the consumer, the name and address of any
26 telephone service provider. All telephone companies shall
27 include in their ~~976-type tariffs~~ TELEPHONE MESSAGE SERVICE <—
28 TARIFFS, WHETHER PROVIDED THROUGH THE 976 EXCHANGE OR OTHERWISE,
29 or in any contract with a ~~recorded 976~~ SUCH TELEPHONE message <—
30 service sponsor a clause requiring compliance with this section

1 as a condition for continuation of the service.

2 (e) Costs of service.--

3 (1) All costs relating to this section shall be borne
4 solely by the 976-recorded TELEPHONE message service. <—

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

13 (F) BLOCKING ACCESS.--EVERY TELEPHONE COMPANY SHALL, EXCEPT <—
14 TO THE EXTENT THAT WRITTEN AUTHORIZATION IS REQUIRED BY A
15 CUSTOMER FOR AVAILABILITY OF ACCESS TO ALL OR CERTAIN TYPES OF
16 TELEPHONE MESSAGE SERVICES, PROVIDE TO CUSTOMERS THE OPTION OF
17 HAVING ACCESS TO SUCH TELEPHONE MESSAGE SERVICES BLOCKED. THE
18 TELEPHONE COMPANY MAY NOT CHARGE THE CUSTOMER ANY FEE OR OTHER
19 COST FOR BLOCKING ACCESS TO AVAILABILITY OF TELEPHONE MESSAGE
20 SERVICES UNLESS SUCH TELEPHONE COMPANY HAS ALREADY PROVIDED SUCH
21 BLOCKING TO THE CUSTOMER WITHOUT FEE.

22 ~~(f)~~ (G) Enforcement.-- <—

23 (1) The commission shall promulgate rules or regulations
24 to ensure the compliance of telephone companies providing
25 recorded 976-messages with MESSAGES COVERED BY this section. <—

26 (2) The failure of a telephone company to comply with
27 this section shall be a violation of this section and the
28 telephone company shall be subject to enforcement proceedings
29 pursuant to section 502 (relating to enforcement proceedings
30 by commission).

1 (3) Failure of a ~~recorded-976~~ TELEPHONE message service <—
2 to comply with this section shall be a violation of the act
3 of December 17, 1968 (P.L.1224, No.387), known as the Unfair
4 Trade Practices and Consumer Protection Law, and 18 Pa.C.S.
5 Ch. 39 (relating to theft and related offenses).
6 Section 2. This act shall take effect in 60 days.