

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 717 Session of
2001

INTRODUCED BY HERMAN, LEH, McCALL, JADLOWIEC, MAYERNIK, HARHAI, READSHAW, STABACK, WOJNAROSKI, ARGALL, M. BAKER, BASTIAN, BELARDI, BELFANTI, BENNINGHOFF, BROWNE, BUNT, CALTAGIRONE, CAWLEY, CIVERA, COSTA, COY, CRUZ, CURRY, EACHUS, FAIRCHILD, FEESE, FLICK, FREEMAN, GABIG, GEIST, GEORGE, GODSHALL, GRUCELA, HARPER, HERSHEY, HESS, HORSEY, LAUGHLIN, LEDERER, LEVDANSKY, MAITLAND, MANDERINO, MARSICO, MELIO, R. MILLER, MUNDY, NAILOR, NICKOL, PETRARCA, PHILLIPS, SATHER, SAYLOR, SCHRODER, SCRIMENTI, SHANER, B. SMITH, SOLOBAY, STEELMAN, STERN, SURRA, E. Z. TAYLOR, J. TAYLOR, THOMAS, TIGUE, YEWCIC, YOUNGBLOOD AND YUDICHAK, FEBRUARY 14, 2001

REFERRED TO COMMITTEE ON CONSUMER AFFAIRS, FEBRUARY 14, 2001

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 unlawful acts and
5 penalties.

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

8 Section 1. Section 5(a)(2) of the act of December 4, 1996
9 (P.L.911, No.147), known as the Telemarketer Registration Act,
10 is amended to read:

11 Section 5. Unlawful acts and penalties.

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

13 * * *

14 (2) Initiating [an outbound] a telephone call to a
15 person [when that person previously has stated that he or she

1 does not wish to receive an outbound telephone call made by
2 or on behalf of the seller whose goods or services are being
3 offered. A seller or telemarketer will not be liable for
4 violating the provisions of this paragraph if:

5 (i) he has established and implemented written
6 procedures to comply with this paragraph;

7 (ii) he has trained his personnel in the procedures;

8 (iii) the seller or the telemarketer acting on
9 behalf of the seller has maintained and recorded lists of
10 persons who may not be contacted; and

11 (iv) any subsequent call is the result of error.]

12 who has chosen to be a nonsolicitation telephone customer.

13 (i) For the purpose of this paragraph, a
14 nonsolicitation telephone customer is a person who has
15 notified the Attorney General that the person does not
16 wish to receive a telephone call made by a telemarketer
17 whose goods or services are being offered.

18 (ii) The Attorney General shall promulgate
19 regulations to provide for notification procedures. The
20 regulations may not require the customer to provide more
21 information than is currently required to print a
22 residential listing in a local telephone directory of
23 general circulation.

24 (iii) Local exchange telecommunications companies
25 shall inform all of their residential customers, in a
26 manner established by the regulations, of the
27 notification procedures the customer must follow.

28 (iv) The Attorney General shall provide a
29 nonsolicitation telephone customer list to each
30 telemarketer required to register under section 3(a). All

1 other telemarketers shall obtain a nonsolicitation
2 telephone customer list from the Attorney General for a
3 fee.

4 * * *

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