

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 951 Session of
2011

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

REFERRED TO COMMITTEE ON CONSUMER AFFAIRS, MARCH 4, 2011

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, and
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.