

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 764 Session of 2019

INTRODUCED BY BROOKS, GORDNER, BROWNE, BARTOLOTTA, FOLMER, HUTCHINSON, KILLION, STEFANO, K. WARD, BLAKE, BREWSTER, FARNESE, LEACH, SCHWANK, TARTAGLIONE, YUDICHAK, COLLETT, MASTRIANO, A. WILLIAMS AND DINNIMAN, JUNE 14, 2019

SENATOR TOMLINSON, CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, AS AMENDED, JUNE 9, 2020

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 definitions, for
5 unlawful acts and penalties and for unwanted telephone
6 solicitation calls prohibited.

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

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

12 Section 2. Definitions.

13 The following words and phrases when used in this act shall
14 have the meanings given to them in this section unless the
15 context clearly indicates otherwise:

16 "Caller identification information." Information provided by
17 a caller identification service regarding the telephone number
18 of, or other information regarding the origin of, a call made

1 using a communications service, including a telecommunications, <--  
2 broadband or Interconnected Voice over Internet Protocol  
3 service.

4 "Caller ID spoofing." The practice of using an application <--  
5 or other technology in connection with a communications service,  
6 including a telecommunications, broadband or Interconnected  
7 Voice over Internet Protocol service, to knowingly cause  
8 KNOWINGLY CAUSING, DIRECTLY OR INDIRECTLY, any caller <--  
9 identification service to transmit false INACCURATE or <--  
10 misleading caller identification information to an individual A <--  
11 PERSON OR ENTITY receiving a call.

12 "CALLER IDENTIFICATION SERVICE." ANY SERVICE OR DEVICE <--  
13 DESIGNATED TO PROVIDE THE USER OF THE SERVICE OR DEVICE WITH THE  
14 TELEPHONE NUMBER OF, OR OTHER INFORMATION REGARDING THE  
15 ORIGINATION OF, A CALL MADE USING A TELECOMMUNICATIONS SERVICE  
16 OR INTERCONNECTED VOICE OVER INTERNET SERVICE PROTOCOL SERVICE.

17 \* \* \*

18 "Robocall." A telephone solicitation call made to a large <--  
19 number of people, using a computerized autodialer, to deliver OR <--  
20 a prerecorded telemarketing message. THAT IS NOT SUBJECT TO THE <--  
21 PROVISIONS OF 16 CFR 310.4 (RELATING TO ABUSIVE TELEMARKETING  
22 ACTS OR PRACTICES).

23 \* \* \*

24 Section 2. Section 5(a) 5(A) (1) of the act is amended AND <--  
25 THE SUBSECTION IS AMENDED by adding a paragraph to read:

26 Section 5. Unlawful acts and penalties.

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

28 (1) CONDUCTING TELEMARKETING AFTER [9] 8 P.M. OR BEFORE <--  
29 8 A.M.

30 \* \* \*

1           ~~(10)~~ (11) Making a robocall after 8 p.m. or before 8           <--

2           a.m.

3           \* \* \*

4           Section 3. Section 5.2 of the act is amended by adding a  
5 subsection to read:

6 Section 5.2. Unwanted telephone solicitation calls prohibited.

7           \* \* \*

8           (j.1) Caller ID spoofing.--A person OR ENTITY may not           <--

9 ~~perform~~ ENGAGE, DIRECTLY OR INDIRECTLY, IN caller ID spoofing           <--

10 ~~when contacting another individual in~~ FROM OR TO ANY PERSON OR           <--

11 ENTITY IN this Commonwealth with the intent to defraud, harass           <--

12 ~~or~~ cause harm to or wrongfully obtain anything of value from

13 another. This subsection does not apply to any of the following:

14           (1) The blocking of caller identification information.

15           (2) A Federal, State or local law enforcement agency.

16           (3) A Federal intelligence or security agency.

17           (4) A COURT ORDER THAT SPECIFICALLY AUTHORIZES THE USE           <--

18 OF CALLER IDENTIFICATION MANIPULATION.

19           ~~(4)~~ (5) A communications service provider, including a           <--

20 telecommunications, broadband or Interconnected Voice over           <--

21 Internet Protocol service provider, that is:

22           (i) Acting in the communications service provider's

23 capacity as an intermediary for the transmission of

24 telephone service between the caller and the recipient.

25           (ii) Providing or configuring a service or service

26 feature as requested by the customer.

27           (iii) Acting in a manner that is authorized or

28 required by applicable law.

29           (iv) Engaging in other conduct that is necessary to

30 provide service.

1 \* \* \*

2 Section 4. This act shall take effect in 60 days.