

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 416 Session of 2001

INTRODUCED BY GREENLEAF, BOSCOLA, MELLOW, CONTI, CORMAN, COSTA,
EARLL, GERLACH, HELFRICK, KITCHEN, LOGAN, MUSTO, O'PAKE,
RHOADES, STOUT, TARTAGLIONE, THOMPSON, TILGHMAN, WAUGH,
WILLIAMS AND WOZNIAK, FEBRUARY 12, 2001

REFERRED TO CONSUMER PROTECTION AND PROFESSIONAL LICENSURE,
FEBRUARY 12, 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," defining "'do not call' list" and
5 "telephone sales call"; and authorizing a "do not call" list
6 to be maintained by the Attorney General.

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 * * *

17 "'Do not call' list." A list maintained by the Office of
18 Attorney General of residential telephone consumers who notify

1 the Office of Attorney General of their desire not to receive
2 telephone sales calls.

3 * * *

4 "Telephone sales call." A call made to a residential
5 telephone consumer for the purpose of soliciting the sale of any
6 consumer goods or services, or for the purpose of soliciting an
7 extension of credit for consumer goods or services, or for the
8 purpose of obtaining information that will or may be used for
9 the direct solicitation of a sale of consumer goods or services
10 or an extension of credit for that purpose. The term does
11 include a call made:

12 (1) In response to an express request of the person
13 called.

14 (2) In reference to an existing debt, contract, payment
15 or performance.

16 (3) To a person with whom the telemarketer has had a
17 business relationship within the six months preceding the
18 call.

19 (4) On behalf of a charitable organization granted tax
20 exempt status under section 501(c)(3) of the Internal Revenue
21 Code of 1986 (Public Law 99-514, 26 U.S.C. § 1 et seq).

22 (5) On behalf of a political candidate or a political
23 party.

24 Section 2. The act is amended by adding a section to read:
25 Section 5.1. "Do not call" list.

26 (a) Duties of Attorney General.--The Attorney General shall
27 maintain and update quarterly a "do not call" list containing
28 the name and telephone number of any residential telephone
29 consumer in this Commonwealth who notifies the Attorney General
30 of the consumer's intention to be placed on the list.

1 (b) Notice.--On an annual basis, each local telephone
2 company shall clearly notify its subscribers who are residential
3 telephone consumers in writing in at least 10 point bold face
4 type of their ability to be placed on the "do not call" list.
5 The method of notification shall include, but not be limited to,
6 placing the notice in billing statements mailed to subscribers
7 and publication of the notice in the consumer information pages
8 of a local telephone directory of general circulation. The
9 notification shall specify the methods by which subscribers may
10 place their names on the "do not call" list and how often
11 renewal is necessary.

12 (c) Prohibition.--No telemarketer shall make or cause to be
13 made a telephone sales call to a telephone number listed on the
14 latest quarterly "do not call" list maintained by the Attorney
15 General pursuant to subsection (a).

16 (d) Fees.--Each quarterly "do not call" list shall be
17 provided for an annual \$100 fee to any telemarketer engaged in
18 telephone sales calls. All fees imposed pursuant to this section
19 shall be deposited in the separate restricted account
20 established in section 4(d).

21 (e) Unfair Trade Practices and Consumer Protection Law.--A
22 violation of this section shall be deemed a violation of the act
23 of December 17, 1968 (P.L.1224, No.387), known as the Unfair
24 Trade Practices and Consumer Protection Law.

25 (f) Regulations.--The Office of Attorney General shall adopt
26 rules and regulations necessary to carry out and enforce the
27 provisions of this section.

28 Section 3. This act shall take effect in 60 days.