

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1905 Session of  
2003

INTRODUCED BY T. STEVENSON, BELFANTI, BENNINGHOFF, CAPPELLI,  
DeLUCA, FICHTER, FREEMAN, GEIST, GERGELY, GOODMAN, GRUCELA,  
HARHAI, HARHART, HERSHEY, HORSEY, HUTCHINSON, LEDERER,  
LEVDANSKY, McNAUGHTON, R. MILLER, MUNDY, MUSTIO, NAILOR,  
PRESTON, READSHAW, REICHLEY, RUBLEY, SCHRODER, E. Z. TAYLOR,  
TIGUE, WALKO, WANSACZ, WATSON AND YOUNGBLOOD, AUGUST 5, 2003

REFERRED TO COMMITTEE ON CONSUMER AFFAIRS, AUGUST 5, 2003

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 and for  
5 unlawful acts and penalties.

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

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

11 Section 2. Definitions.

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

15 "Advocacy push poll." A paid telephone survey or  
16 telemarketing calling campaign conducted by a telemarketer that  
17 attempts to sway public policy interests by referencing an

1 elected Federal, State or local official, candidate, group of  
2 candidates or political party when:

3 (1) The survey or campaign fails to make demographic  
4 inquiries on a relevant subset of the population consistent  
5 with standard polling industry practices.

6 (2) The telemarketer does not collect or tabulate survey  
7 results.

8 (3) The telemarketer prefaces a question regarding  
9 support for or opposition to a candidate, political party or  
10 Federal, State or local elected official on the basis of an  
11 untrue statement.

12 (4) The telemarketer incites the recipient of the call  
13 to make personal contact to a Federal, State or local elected  
14 official for the purpose of suppressing or changing the  
15 voting position of the Federal, State or local elected  
16 official on public policy matters.

17 \* \* \*

18 Section 2. Section 5(a) of the act is amended by adding a  
19 paragraph to read:

20 Section 5. Unlawful acts and penalties.

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

22 \* \* \*

23 (9) Contacting residential telephone subscribers in this  
24 Commonwealth for the purposes of conducting an advocacy push  
25 poll between the hours of 9 p.m. and 8 a.m. or failing to  
26 disclose promptly to any consumer during an advocacy push  
27 poll the purpose of the call, the name of the telemarketer or  
28 telemarketing business and what issue the telemarketer or  
29 telemarketing business is advocating.

30 \* \* \*

1 Section 3. This act shall take effect immediately.