
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 713 Session of
2005

INTRODUCED BY WONDERLING, C. WILLIAMS, CORMAN, RAFFERTY,
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VANCE, PICCOLA, STOUT, STACK, SCARNATI, ERICKSON, WENGER,
M. WHITE, ORIE, WAUGH, LEMMOND, FERLO, RHOADES, BOSCOLA AND
LOGAN, JUNE 9, 2005

AS REPORTED FROM COMMITTEE ON CONSUMER AFFAIRS, HOUSE OF
REPRESENTATIVES, AS AMENDED, FEBRUARY 14, 2006

AN ACT

1 Prohibiting a provider of commercial mobile service from
2 including the dialing number of any subscriber without first
3 obtaining the express consent of that subscriber.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Short title.

7 This act shall be known and may be cited as the Telephone
8 Subscriber Directory Express Consent Act.

9 Section 2. Definitions.

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

13 "Commercial mobile service provider." A provider of
14 commercial mobile service as defined by section 332(d) of the
15 Communications Act of 1934 (48 Stat. 1064, 47 U.S.C. § 151 et
16 seq.), Federal Communications Commission Rules, and the Omnibus

1 Budget Reconciliation Act of 1993 (Public Law 103-66, 107 Stat.
2 312).

3 "Person." Any individual, partnership, corporation, limited
4 liability company or other organization or any combination
5 thereof.

6 Section 3. Required consent.

7 A commercial mobile service provider or any direct or
8 indirect affiliate or agent of a provider or any other person
9 doing business in this Commonwealth may not publish in a
10 directory or provide for publication in a directory the name and
11 telephone number of a mobile service customer in this
12 Commonwealth without the express consent of the customer. The
13 consent of a customer must be given by one of the following:

14 (1) In writing in a separate written document or in a
15 separate distinct section within a written document that
16 includes the customer's signature and the date.

17 (2) A distinct verbal confirmation FROM A PERSON
18 SUFFICIENTLY IDENTIFIED AS THE CUSTOMER.

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19 (3) On an Internet website maintained by the commercial
20 mobile service provider or an agent acting on behalf of the
21 provider. The Internet website shall provide a separate
22 screen or if it is within another screen there shall be a
23 separate section of the screen that includes the disclosure.

24 (4) Other verifiable means utilizing the customer's
25 handset.

26 A subscriber who provides express prior consent under this
27 section may revoke that consent at any time. A commercial mobile
28 service provider shall comply with the subscriber's request to
29 opt out within a reasonable period of time, not to exceed 60
30 days. If under the subscriber's calling plan the subscriber may

1 be billed for receiving unsolicited calls or text messages, the
2 provider's form shall include a disclosure, which shall be
3 unambiguous and legible, that, by consenting to have the
4 subscriber's dialing number sold or licensed as part of a list
5 of subscribers or be included in a publicly available directory,
6 the subscriber may incur additional charges for receiving
7 unsolicited calls or text messages.

8 Section 4. Sale of list.

9 Before a customer consents under section 3, a commercial
10 mobile service provider must disclose to the customer in writing
11 or verbally, as appropriate, that by consenting the customer
12 agrees to have the customer's telephone number sold or licensed
13 as part of a list of customers and the customer's telephone
14 number may be included in a publicly available directory.

15 Section 5. Charges.

16 A subscriber shall not be charged for making the choice to
17 not be listed in a directory.

18 Section 6. Applicability.

19 This act shall not apply to the provision of telephone
20 numbers to the following parties for the following purposes:

21 (1) To a collection agency exclusively for the
22 collection of unpaid debts.

23 (2) (i) To any law enforcement agency, fire protection
24 agency, public health agency, city or county emergency
25 services planning agency, or private for-profit agency
26 operating under contract with and at the direction of one
27 or more of these agencies, for the exclusive purpose of
28 responding to a 911 call or communicating an imminent
29 threat to life or property.

30 (ii) Any information or records provided to a

1 private for-profit agency pursuant to this section shall
2 be held in confidence by that agency and by any
3 individual employed by or associated with that agency.
4 This information or these records shall not be open to
5 examination for any purpose not directly connected with
6 the administration of the services specified in this
7 paragraph.

8 (3) To a Federal, State or local agency, board or
9 commission, pursuant to lawful process issued under Federal
10 or State law.

11 (4) To a telephone corporation providing service between
12 service areas for the provision to the subscriber of
13 telephone service between service areas or to third parties
14 for the limited purpose of providing billing services.

15 (5) To a telephone corporation to effectuate a
16 customer's request to transfer the customer's assigned
17 telephone number from the customer's existing provider of
18 telecommunications services to a new provider of
19 telecommunications services.

20 ~~Section 7. Civil relief.~~

21 ~~(a) General rule. The Office of Attorney General may bring~~
22 ~~a civil action against an entity which intentionally violates~~
23 ~~this act.~~

24 ~~(b) Additional remedies. In addition to any other remedy~~
25 ~~provided by law, the Attorney General bringing an action under~~
26 ~~this section may:~~

27 ~~(1) Seek injunctive relief to restrain the violator from~~
28 ~~continuing the violation.~~

29 ~~(2) Recover actual damages arising from the willful~~
30 ~~violation.~~

