

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2283 Session of  
2002

INTRODUCED BY HABAY, BELFANTI, CAPPELLI, CASORIO, CLARK,  
M. COHEN, COSTA, CREIGHTON, CRUZ, DAILEY, FEESE, FRANKEL,  
GEORGE, GRUCELA, HENNESSEY, HERMAN, HERSHEY, HESS, KELLER,  
LAUGHLIN, LEDERER, MANDERINO, MANN, MARSICO, MCGEEHAN,  
MCGILL, MELIO, R. MILLER, S. MILLER, MUNDY, PALLONE,  
PHILLIPS, READSHAW, ROBINSON, SAYLOR, SEMMEL, SHANER,  
SOLOBAY, STABACK, E. Z. TAYLOR, J. TAYLOR, THOMAS, TIGUE,  
WANSACZ, WATSON, G. WRIGHT, YEWCIC, YOUNGBLOOD AND YUDICHAK,  
JANUARY 16, 2002

REFERRED TO COMMITTEE ON CONSUMER AFFAIRS, JANUARY 16, 2002

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," adding definitions; and prohibiting  
5 interference with caller identification services.

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 definitions 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 "Caller identification information." Both of the following:

16 (1) The name of the telemarketer that makes, or on whose

1 behalf is made, a telephone call involved in a solicitation.

2 (2) A valid and working telephone number at which the  
3 telemarketer, or person or entity acting on behalf of the  
4 telemarketer, may be reached during regular business hours  
5 for the purpose of requesting that the recipient of the  
6 solicitation be placed on a do-not-call list required by 47  
7 CFR 64.1200 (relating to delivery restrictions).

8 "Caller identification service." Any service or device  
9 designed to provide the user of the service or device with the  
10 telephone number of an incoming call.

11 Section 2. The act is amended by adding a section to read:  
12 Section 5.1. Interference with caller identification services.

13 (a) General rule.--No telemarketer shall, in making a  
14 telephone solicitation:

15 (1) interfere with or circumvent the capability of a  
16 caller identification service to access or provide to the  
17 recipient of the telephone call involved in the solicitation  
18 any caller identification information that such service is  
19 capable of providing; or

20 (2) fail to provide caller identification information in  
21 a manner that is accessible by a caller identification  
22 service, if the telemarketer has the capability to provide  
23 such information in such a manner.

24 (b) Construction.--The use of a telecommunications service  
25 or equipment that is incapable of transmitting caller  
26 identification information shall not, of itself, be construed as  
27 violating subsection (a).

28 (c) Right of action.--

29 (1) A person may bring an action in an appropriate court  
30 of this Commonwealth:

1           (i) to enjoin a violation of this section; or  
2           (ii) to recover for actual monetary loss sustained  
3           as a result of a violation of this section or to receive  
4           \$500 in damages for each violation, whichever is greater.

5           (2) If the court finds that the defendant willfully or  
6           knowingly violated this section, the court may, in its  
7           discretion, increase the amount of the award to an amount  
8           equal to not more than three times the amount available under  
9           paragraph (1).

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