

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

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

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

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

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

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

* * *

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

Section 5. Unlawful acts and penalties.

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

* * *

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

* * *

1 Section 3. This act shall take effect immediately.