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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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**SENATE BILL**

**No. 820**      Session of  
2007

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INTRODUCED BY PILEGGI, O'PAKE, ERICKSON, VANCE, CORMAN, ORIE,  
TOMLINSON, RAFFERTY, WONDERLING, MUSTO, EARLL, WAUGH, PIPPY,  
LAVALLE, KASUNIC, BRUBAKER AND BROWNE, MAY 2, 2007

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REFERRED TO STATE GOVERNMENT, MAY 2, 2007

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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," providing for the definition of "automatic  
5 dialing-announcing device"; further defining "telephone  
6 solicitation call"; and further providing for unlawful acts  
7 and penalties.

8 The General Assembly of the Commonwealth of Pennsylvania  
9 hereby enacts as follows:

10 Section 1. The definition of "telephone solicitation call"  
11 in section 2 of the act of December 4, 1996 (P.L.911, No.147),  
12 known as the Telemarketer Registration Act, amended September  
13 12, 2003 (P.L.105, No.22), is amended and the section is amended  
14 by adding a definition to read:

15 Section 2. Definitions.

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

19 "Automatic dialing-announcing device." A device that selects  
20 and dials telephone numbers and that, working alone or in

1 conjunction with other equipment, disseminates a prerecorded or  
2 synthesized voice message to the telephone number called.

3 \* \* \*

4 "Telephone solicitation call." A call made to a residential  
5 or wireless telephone subscriber for the purpose of soliciting  
6 the sale of any consumer goods or services or for the purpose of  
7 obtaining information that will or may be used for the direct  
8 solicitation of a sale of consumer goods or services or an  
9 extension of credit for that purpose. The term does not include  
10 a call made to a residential or wireless telephone consumer:

11 (1) In response to an express request of the residential  
12 or wireless telephone consumer.

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

15 (3) With whom the telemarketer has an established  
16 business relationship within the past 12 months preceding the  
17 call.

18 (4) On behalf of an organization granted tax-exempt  
19 status under section 501(c)(3), (5) or (8) of the Internal  
20 Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 1 et  
21 seq.) or a veterans organization chartered by the Congress of  
22 the United States and or its duly appointed foundation.

23 (5) On behalf of a political candidate or a political  
24 party unless the call is made by an automatic dialing-  
25 announcing device.

26 Section 2. Section 5(a) of the act is amended by adding a  
27 paragraph and the section is amended by adding a subsection to  
28 read:

29 Section 5. Unlawful acts and penalties.

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

1 \* \* \*

2 (9.1) Utilizing an automatic dialing-announcing device  
3 on behalf of any of the following:

4 (i) A candidate or party as defined under section  
5 102 of the act of June 3, 1937 (P.L.1333, No.320), known  
6 as the Pennsylvania Election Code.

7 (ii) A political committee as defined in section  
8 1621(h) of the Pennsylvania Election Code.

9 (iii) A political organization as defined in section  
10 527(e) of the Internal Revenue Code of 1986 (Public Law  
11 99-514, 26 U.S.C. § 1 et seq.).

12 \* \* \*

13 (e) Penalty.--In addition to any other penalties that may be  
14 imposed, any person who violates subsection (a)(9.1) shall be  
15 subject to a civil penalty of not more than \$500 for each  
16 violation. The penalty for a second violation shall be no more  
17 than \$1,000 and \$5,000 for a subsequent violation. Each  
18 violation of subsection (a)(9.1) shall constitute a separate  
19 offense.

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