

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 981 Session of 2015

INTRODUCED BY TEPLITZ, FONTANA, BLAKE, TARTAGLIONE, COSTA AND SCHWANK, SEPTEMBER 8, 2015

REFERRED TO COMMUNICATIONS AND TECHNOLOGY, SEPTEMBER 8, 2015

AN ACT

1 Amending the act of May 1, 2006 (P.L.108, No.32), entitled "An
2 act prohibiting a provider of commercial mobile service from
3 including the dialing number of any subscriber without first
4 obtaining the express consent of that subscriber," providing
5 for unsolicited text messages prohibited.

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

8 Section 1. The act of May 1, 2006 (P.L.108, No.32), known as
9 the Telephone Subscriber Directory Express Consent Act, is
10 amended by adding a section to read:

11 Section 6.1. Unsolicited text messages prohibited.

12 (a) General rule.--No commercial mobile service provider or
13 person shall send or cause to be sent to a resident of this
14 Commonwealth an unsolicited advertisement by means of text
15 messaging to a mobile telephone or device if the recipient of
16 the message may incur a telecommunications charge or a usage
17 allocation deduction as a result of the message being sent.

18 (b) Ability to block text messages required.--No commercial
19 mobile service provider shall sell or offer to sell text

1 messaging services to customers in this Commonwealth unless the
2 company offers an option to customers to block all incoming and
3 outgoing text messages.

4 (c) Civil penalty.--In addition to any penalties provided
5 under the act of December 17, 1968 (P.L.1224, No.387), known as
6 the Unfair Trade Practices and Consumer Protection Law, the
7 following shall apply to a violation of subsection (a):

8 (1) A commercial mobile service provider or person shall
9 not be held liable for the first violation in any 12-month
10 period.

11 (2) For a second or subsequent violation in a 12-month
12 period, the Attorney General shall assess a civil penalty of
13 not more than \$5,000.

14 (3) The Attorney General may issue an emergency cease
15 and desist order against a commercial mobile service provider
16 or person who has violated subsection (a) to assess any
17 damages to the recipient of a text message prohibited under
18 subsection (a).

19 (d) Definitions.--As used in this section, the following
20 words and phrases shall have the meanings given to them in this
21 subsection unless the context clearly indicates otherwise:

22 "Mobile telephone or device." A wireless telecommunications
23 device that has the capability to send or receive text messages.

24 "Unsolicited advertisement." A text, graphic or image
25 message sent without the prior permission of the recipient to
26 encourage the purchase, rental or investment in goods or
27 services.

28 Section 2. This act shall take effect in 60 days.