
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 764 Session of
2019

INTRODUCED BY BROOKS, GORDNER, BROWNE, BARTOLOTTA, FOLMER,
HUTCHINSON, KILLION, STEFANO, K. WARD, BLAKE, BREWSTER,
FARNESE, LEACH, SCHWANK, TARTAGLIONE AND YUDICHAK,
JUNE 14, 2019

REFERRED TO CONSUMER PROTECTION AND PROFESSIONAL LICENSURE,
JUNE 14, 2019

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, for
5 unlawful acts and penalties and for unwanted telephone
6 solicitation calls prohibited.

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

9 Section 1. Section 2 of the act of December 4, 1996
10 (P.L.911, No.147), known as the Telemarketer Registration Act,
11 is amended by adding definitions to read:

12 Section 2. Definitions.

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

16 "Caller identification information." Information provided by
17 a caller identification service regarding the telephone number
18 of, or other information regarding the origin of, a call made

1 using a communications service, including a telecommunications,
2 broadband or Interconnected Voice over Internet Protocol
3 service.

4 "Caller ID spoofing." The practice of using an application
5 or other technology in connection with a communications service,
6 including a telecommunications, broadband or Interconnected
7 Voice over Internet Protocol service, to knowingly cause any
8 caller identification service to transmit false or misleading
9 caller identification information to an individual receiving a
10 call.

11 * * *

12 "Robocall." A telephone solicitation call made to a large
13 number of people, using a computerized autodialer, to deliver a
14 prerecorded telemarketing message.

15 * * *

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

18 Section 5. Unlawful acts and penalties.

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

20 * * *

21 (10) Making a robocall after 8 p.m. or before 8 a.m.

22 * * *

23 Section 3. Section 5.2 of the act is amended by adding a
24 subsection to read:

25 Section 5.2. Unwanted telephone solicitation calls prohibited.

26 * * *

27 (j.1) Caller ID spoofing.--A person may not perform caller
28 ID spoofing when contacting another individual in this
29 Commonwealth with the intent to defraud, harass or cause harm to
30 or wrongfully obtain anything of value from another. This

1 subsection does not apply to any of the following:

2 (1) The blocking of caller identification information.

3 (2) A Federal, State or local law enforcement agency.

4 (3) A Federal intelligence or security agency.

5 (4) A communications service provider, including a
6 telecommunications, broadband or Interconnected Voice over
7 Internet Protocol service provider, that is:

8 (i) Acting in the communications service provider's
9 capacity as an intermediary for the transmission of
10 telephone service between the caller and the recipient.

11 (ii) Providing or configuring a service or service
12 feature as requested by the customer.

13 (iii) Acting in a manner that is authorized or
14 required by applicable law.

15 (iv) Engaging in other conduct that is necessary to
16 provide service.

17 * * *

18 Section 4. This act shall take effect in 60 days.