

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 236 Session of 2021

INTRODUCED BY BROOKS, TARTAGLIONE, STEFANO, MARTIN, BARTOLOTTA, GORDNER, HUTCHINSON, COLLETT, YUDICHAK, BROWNE, PITTMAN, LANGERHOLC, KANE, COMITTA AND LAUGHLIN, FEBRUARY 16, 2021

AS AMENDED ON THIRD CONSIDERATION, SEPTEMBER 27, 2021

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. The definition of "robocall" in section 2 of the
10 act of December 4, 1996 (P.L.911, No.147), known as the
11 Telemarketer Registration Act, added October 4, 2019 (P.L.447,
12 No.73), is amended and the section is amended by adding
13 definitions to read:

14 Section 2. Definitions.

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

18 * * *

19 "Caller ID spoofing." Knowingly causing, directly or

1 indirectly, any caller identification service to transmit
2 inaccurate or misleading caller identification information to a
3 person or entity receiving a call.

4 "Caller identification information." Information provided by
5 a caller identification service regarding the telephone number
6 of, or other information regarding the origin of, a call made
7 using a communications service, including a telecommunications
8 or Interconnected Voice over Internet Protocol service.

9 "Caller identification service." Any service or device
10 designated to provide the user of the service or device with the
11 telephone number of, or other information regarding the
12 origination of, a call made using a telecommunications service
13 or interconnected voice over internet service protocol service.

14 * * *

15 "LEGAL HOLIDAY." AS DEFINED IN 5 U.S.C. § 6103(A) (RELATING <--
16 TO HOLIDAYS) ON THE EFFECTIVE DATE OF THIS DEFINITION.

17 * * *

18 "Robocall." [A telephone solicitation call made to a large
19 number of people, using a computerized autodialer, to deliver a
20 prerecorded telemarketing message.] A telephone solicitation
21 using a computerized autodialer or a prerecorded telemarketing
22 message that is not subject to the provisions of 16 CFR 310.4
23 (relating to abusive telemarketing acts or practices).

24 * * *

25 Section 2. Section 5(a)(1) of the act is amended and the
26 subsection is amended by adding a paragraph to read:

27 Section 5. Unlawful acts and penalties.

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

29 (1) Conducting telemarketing after [9] 8 p.m. or before
30 8 a.m.

1 * * *

2 (11) Making a robocall after 8 p.m. or before 8 a.m.

3 * * *

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

6 Section 5.2. Unwanted telephone solicitation calls prohibited.

7 * * *

8 (j.1) Caller ID spoofing.--A person or entity may not
9 engage, directly or indirectly, in caller ID spoofing from or to
10 any person or entity in this Commonwealth with the intent to
11 defraud, cause harm to or wrongfully obtain anything of value
12 from another. This subsection does not apply to any of the
13 following:

14 (1) The blocking of caller identification information.

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

16 (3) A Federal intelligence or security agency.

17 (4) A court order that specifically authorizes the use
18 of caller identification manipulation.

19 (5) A communications service provider, including a
20 telecommunications or Interconnected Voice over Internet
21 Protocol service provider, that is:

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

25 (ii) Providing or configuring a service or service
26 feature as requested by the customer.

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

29 (iv) Engaging in other conduct that is necessary to
30 provide service.

1 * * *

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