

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 992

Session of
2025

INTRODUCED BY BROOKS, MARTIN, BROWN, TARTAGLIONE, HUTCHINSON,
HAYWOOD, COMITTA, BARTOLOTTA, FONTANA, LAUGHLIN, SANTARSIERO,
COSTA, KANE AND MILLER, SEPTEMBER 5, 2025

REFERRED TO CONSUMER PROTECTION AND PROFESSIONAL LICENSURE,
SEPTEMBER 5, 2025

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 registration requirement, for unlawful acts and penalties,
6 for blocking of caller identification and other telemarketing
7 screening products or services prohibited, for unwanted
8 telephone solicitation calls prohibited, for violations and
9 for investigation.

10 The General Assembly of the Commonwealth of Pennsylvania
11 hereby enacts as follows:

12 Section 1. The definitions of "consumer goods and services,"
13 "do-not-call list," "list administrator," "robocall,"
14 "telemarketer," "telemarketing," "telemarketing business" and
15 "telephone solicitation call" in section 2 of the act of
16 December 4, 1996 (P.L.911, No.147), known as the Telemarketer
17 Registration Act, are amended and the section is amended by
18 adding definitions to read:

19 Section 2. Definitions.

20 The following words and phrases when used in this act shall

1 have the meanings given to them in this section unless the
2 context clearly indicates otherwise:

3 * * *

4 "Consumer goods and services." Real or personal property or
5 services used for personal, family or household purposes,
6 including the rental of, or the investment in, property, goods
7 or services.

8 "Do-not-call list." A list of residential, business or
9 wireless telephone subscribers who have notified the list
10 administrator of their desire not to receive telephone
11 [solicitation calls] solicitations.

12 * * *

13 "List administrator." A nonprofit organization, as
14 designated by contract entered into by the Director of the
15 Bureau of Consumer Protection in the Office of Attorney General,
16 that accepts individual names, addresses and telephone numbers
17 of persons who do not wish to receive telephone [solicitation
18 calls] solicitations and that has been in existence for ten or
19 more years. In the event that the Federal Trade Commission
20 and/or Federal Communications Commission establish a unified
21 national No Call Registry for the purpose of providing consumers
22 with protection from receiving unwanted telephone [solicitation
23 calls] solicitations similar to the protection provided in this
24 act, then the Director of the Bureau of Consumer Protection in
25 the Office of Attorney General may enter into an agreement to
26 utilize the services of the administrator of any such national
27 No Call Registry in lieu of using any nonprofit organization.

28 * * *

29 "Prior express written consent." A written agreement
30 executed between a called party and a specific and individual

1 seller that authorizes the seller to initiate or cause to be
2 initiated a telephone solicitation to the called party,
3 including a robocall or text message. For purposes of this
4 definition, the agreement shall meet all of the following
5 criteria:

6 (1) Identifies the telephone number to which the called
7 party authorizes the calls or messages.

8 (2) Contains a clear and conspicuous disclosure that, by
9 executing the agreement, the called party consents to receive
10 telephone solicitations from the seller, including a robocall
11 or text message.

12 (3) States that the consent is not a condition of
13 purchasing property or consumer goods or services.

14 (4) Is signed and dated by the called party, which may
15 include an electronic or digital signature consistent with
16 the requirements under 15 U.S.C. Ch. 96 (relating to
17 electronic signatures in global and national commerce).

18 * * *

19 "Robocall." A telephone solicitation [call made to a large
20 number of people, using a computerized autodialer, to deliver a
21 prerecorded telemarketing message.] that uses an automated
22 dialing system to deliver prerecorded or artificial voice calls
23 or messages.

24 "Telemarketer." Any person or business which, in connection
25 with telemarketing, initiates or receives telephone calls [to or
26 from a consumer] or messages to or from a residential, business
27 or wireless telephone subscriber in this Commonwealth, or when
28 the person or business acting in connection with telemarketing
29 is located within this Commonwealth when such calls or messages
30 are initiated or received. [For purposes of registration under

1 section 3(a), "telemarketer" does not include any of the
2 following:

3 (1) A person or business soliciting sales through a
4 catalog which:
5 (i) Contains a written description or illustration
6 and price of each of the goods or services offered for
7 sale.

8 (ii) Includes the business address of the seller.
9 (iii) Includes at least 24 pages of written material
10 or illustration.

11 (iv) Is distributed in more than one state.

12 (v) Has been issued not less frequently than once a
13 year.

14 (vi) Has an annual circulation of not less than
15 250,000 consumers.

16 (2) A person or business soliciting without the intent
17 to complete and who does not complete the sales presentation
18 during the telephone solicitation, but completes the sales
19 presentation at a later face-to-face meeting between the
20 solicitor and the prospective purchaser, or who offers to
21 send the purchaser descriptive literature and does not
22 require payment prior to the purchaser's review of the
23 descriptive literature. However, if a seller, directly
24 following a telephone solicitation, causes an individual
25 whose primary purpose it is to go to the prospective
26 purchaser to collect the payment, this exemption does not
27 apply.

28 (3) A book, video or record club or contractual plan or
29 agreement:

30 (i) under which the seller provides the consumer

1 with a form which the consumer may use to instruct the
2 seller not to ship the offered merchandise;
3 (ii) which is regulated by the Federal Trade
4 Commission trade regulation concerning "use of negative
5 option plans by sellers in commerce"; or
6 (iii) which provides for the sale of books, records
7 or videos which are not covered under subparagraph (i) or
8 (ii), including continuity plans, subscription
9 arrangements, standing order arrangements, supplements
10 and series arrangements under which the seller
11 periodically ships merchandise to a consumer who has
12 consented in advance to receive such merchandise on a
13 periodic basis.

14 (4) A person or business conducting a business-to-
15 business sale where the selling business has been operating
16 continuously for at least three years under the same business
17 name and has at least 50% of its dollar volume consisting of
18 a repeat sales to existing businesses.

19 (5) A person or business engaged in a business or
20 occupation which is licensed by, certificated by or
21 registered with a Federal or Commonwealth agency while acting
22 within the scope of the business for which licensure,
23 certification or registration is required.

24 (6) Any of the following organizations unless a
25 professional fundraising counsel or a professional solicitor,
26 who is neither registered nor exempt from registration under
27 this act, is utilized:

28 (i) Educational institutions, the curricula of which
29 in whole or in part are registered with or approved by
30 the Department of Education, either directly or by

1 acceptance of accreditation by an accrediting body
2 recognized by the Department of Education, and any
3 auxiliary associations, foundations and support groups
4 which are directly responsible to educational
5 institutions.

6 (ii) Hospitals which are subject to regulation by
7 the Department of Health or the Department of Public
8 Welfare and the hospital foundation, if any, which is an
9 integral part thereof.

10 (iii) Public nonprofit library organizations which
11 receive financial aid from State and municipal
12 governments and file an annual fiscal report with the
13 State Library System.

14 (iv) Senior citizen centers and nursing homes which
15 are nonprofit and charitable and which have been granted
16 tax-exempt status under the Internal Revenue Code of 1986
17 (Public Law 99-514, 26 U.S.C. § 1 et seq.).

18 (v) Bona fide parent/teacher associations or
19 parent/teacher organizations as recognized in a notarized
20 letter from the school district in which they are
21 located.

22 (vi) Any corporation established by an act of
23 Congress of the United States that is required by Federal
24 law to submit annual reports of its activities to
25 Congress containing itemized accounts of all receipts and
26 expenditures after being fully audited by the Department
27 of Defense.

28 (vii) Any charitable organization which receives
29 contributions of \$25,000 or less annually.

30 (7) A person or business soliciting business from

1 prospective purchasers who have previously purchased from the
2 business enterprise for which the person is calling where the
3 business enterprise has been operating continuously for at
4 least three years under the same business name.

5 (8) A person or business primarily soliciting the sale
6 of a newspaper, magazine or other periodical of general
7 circulation where the business which publishes the newspaper,
8 magazine or other periodical of general circulation has been
9 operating continuously for at least two years under the same
10 business name; the person soliciting is an employee of the
11 publisher or an employee of an agent of the publisher and the
12 person soliciting discloses the following during the initial
13 contact: the total costs to purchase, receive or use and the
14 quantity of the newspapers, magazines or other periodicals of
15 general circulation that are the subject of the sales offer.
16 For the purposes of this paragraph, the term "agent" means a
17 person or business which has entered into a written agreement
18 directly with the publisher.

19 (9) A person or business, or an agent of such person or
20 business, which has been operating for at least two years a
21 retail business establishment in this Commonwealth under the
22 same name as that used in connection with telemarketing and
23 both of the following occur on a continuing basis:

24 (i) Either products are displayed and offered for
25 sale or services are offered for sale and provided at the
26 business establishment.

27 (ii) A majority of the seller's business involves
28 buyers obtaining such products or services at the
29 seller's location. For the purposes of this paragraph,
30 the term "agent" means a person or business which has

1 entered into a written agreement directly with the retail
2 business establishment.

3 (10) Any person or business which has been providing
4 telemarketing services continuously for at least five years
5 under the same ownership and control and who derives 75% of
6 its gross telemarketing sales revenues from contracts with
7 persons or businesses exempted in this section.

8 (11) A person or business soliciting the sale of food or
9 produce if the solicitation is not intended to result and
10 does not result in a sale which costs the purchaser in excess
11 of \$500 where the person or business selling the food or
12 produce has been operating continuously for at least two
13 years under the same business name.

14 (12) An issuer or subsidiary of an issuer that has a
15 class of securities which is subject to section 12 of the
16 Securities Exchange Act of 1934 (48 Stat. 881, 15 U.S.C. §
17 781) and which is either registered or exempt from
18 registration under paragraph A, B, C, E, F, G or H of
19 subsection (g) (2) of that section.]

20 "Telemarketing." A plan, program or campaign which is
21 conducted to induce the purchase of consumer goods or services
22 or to solicit contributions for any charitable purpose,
23 charitable promotion or for or on behalf of any charitable
24 organization by use of one or more telephones and which involves
25 more than one telephone solicitation call or message. For
26 purposes of this act, the terms "charitable purpose,"
27 "charitable promotion," "charitable organization," "professional
28 fundraising counsel," "professional solicitor" and
29 "solicitation" have the meanings as defined in the act of
30 December 19, 1990 (P.L.1200, No.202), known as the Solicitation

1 of Funds for Charitable Purposes Act.

2 "Telemarketing business." [A business entity that is or has
3 engaged in the business of telephone solicitations and employs
4 at least one telemarketer.] A person or business that is or has
5 engaged in the business of telemarketing.

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

14 (1) In response to an express request of the
15 residential, business or wireless telephone consumer.

16 (2) In reference to an existing debt, contract, payment
17 or performance.

18 (3) With whom the telemarketer has an established
19 business relationship within the past 12 months preceding the
20 call.

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

26 (5) On behalf of a political candidate or a political
27 party.]

28 "Telephone solicitation." A telephone call, voicemail,
29 ringless voicemail or text message made to a residential,
30 business or wireless telephone subscriber for the purpose of

1 soliciting the sale of consumer goods or services, or for the
2 purpose of obtaining information that will or may be used for
3 the direct solicitation of the sale of consumer goods or
4 services or an extension of credit for that purpose. The term
5 does not include a call or message made to a residential,
6 business or wireless telephone subscriber:

7 (1) In response to the prior express written consent of
8 the subscriber.

9 (2) In reference to an existing debt, contract, payment
10 or performance.

11 (3) With whom the seller or telemarketer has an
12 established business relationship within the past 12 months
13 preceding the call.

14 (4) On behalf of an organization granted tax-exempt
15 status under 26 U.S.C. § 501(c) (3), (5) or (8) (relating to
16 exemption from tax on corporations, certain trusts, etc.) or
17 a veterans organization chartered by the Congress of the
18 United States and its duly appointed foundation.

19 (5) On behalf of a political candidate or a political
20 party.

21 Section 2. Section 3(a) and (b) of the act are amended and
22 the section is amended by adding a subsection to read:

23 Section 3. Registration requirement.

24 (a) [General rule] Requirement.--In addition to any other
25 requirements imposed by law, a telemarketer or the telemarketing
26 business which employs the telemarketer [is] shall be required
27 to register with the Office of Attorney General at least 30 days
28 prior to offering for sale consumer goods or services through
29 any medium. This section [will] shall not apply[, however, to
30 persons or businesses] to a person or business licensed by or

1 registered with a Federal or Commonwealth agency or to a person
2 or business specified under subsection (b.1). Notwithstanding
3 any other provision of this act, any business which provides
4 telemarketing services to other entities and has been under the
5 same ownership and control for less than five years shall
6 register under this section.

7 (b) Unlawful conduct.--It shall be unlawful for [any] a
8 telemarketer to initiate a telephone call [to or receive a
9 telephone call from a consumer in connection with the purchase
10 of consumer goods] or message to, or to receive a telephone call
11 or message from, a residential, business or wireless telephone
12 subscriber in this Commonwealth in connection with the purchase
13 of consumer goods or services unless the telemarketer or the
14 telemarketing business which employs the telemarketer is
15 registered with the Office of Attorney General.

16 (b.1) Exemptions from registration.--The following shall not
17 be required to register under this section:

18 (1) A person or business soliciting sales through a
19 catalog that meets all of the following criteria:
20 (i) Contains a written description or illustration
21 and the price of each good or service offered for sale.
22 (ii) Includes the business address of the seller.
23 (iii) Includes at least 24 pages of written material
24 or illustrations.
25 (iv) Is distributed in more than one state.
26 (v) Is issued at least once a year.
27 (vi) Has an annual circulation of not less than
28 250,000 consumers.

29 (2) A person or business soliciting without the intent
30 to complete, and that does not complete, the sales

1 presentation during the telephone solicitation, but completes
2 the sales presentation at a later face-to-face meeting with
3 the prospective purchaser, or offers to send descriptive
4 literature and does not require payment before the purchaser
5 reviews the literature. This paragraph shall not apply if,
6 directly after a telephone solicitation, the seller causes an
7 individual whose primary purpose is to collect payment to go
8 to the purchaser for that purpose.

9 (3) A book, video or record club or contractual plan or
10 agreement:

11 (i) under which the seller provides the purchaser
12 with a form the purchaser may use to instruct the seller
13 not to ship the offered merchandise;
14 (ii) that is regulated under the Federal Trade
15 Commission's trade regulation rule concerning the use of
16 negative option plans by sellers in commerce under 16 CFR
17 Pt. 425 (relating to rule concerning recurring
18 subscriptions and other negative option programs); or
19 (iii) that provides for the sale of books, records
20 or videos not covered under subparagraph (i) or (ii),
21 including continuity plans, subscription arrangements,
22 standing order arrangements, supplements and series
23 arrangements under which the seller periodically ships
24 merchandise to a purchaser who has consented in advance
25 to receive the merchandise on a periodic basis.

26 (4) A person or business conducting a
27 business-to-business sale if the selling business has
28 operated continuously for at least three years under the same
29 business name and at least 50% of its dollar volume consists
30 of repeat sales to existing businesses.

(5) A person or business engaged in a business or occupation licensed by, certificated by or registered with a Federal or Commonwealth agency while acting within the scope of the business for which licensure, certification or registration is required.

(6) Any of the following organizations unless a professional fundraising counsel or professional solicitor who is neither registered nor exempt from registration under this act is used:

(i) An educational institution, the curriculum of which, in whole or in part, is registered with or approved by the Department of Education, either directly or by acceptance of accreditation by an accrediting body recognized by the Department of Education, and any auxiliary association, foundation or support group directly responsible to the educational institution.

(ii) A hospital subject to regulation by the Department of Health or the Department of Human Services and the hospital foundation, if any, that is an integral part of the hospital

(iii) A public nonprofit library organization that receives financial aid from the Commonwealth or a municipal government and files an annual fiscal report with the State Library System

(iv) A senior citizen center or nursing home that is nonprofit and charitable and has been granted tax-exempt status under 26 U.S.C. § 501(c) (3), (5) or (8) (relating to exemption from tax on corporations, certain trusts, etc.).

(v) A bona fide parent-teacher association or

1 parent-teacher organization recognized by the school
2 district in which it is located in a notarized letter.

3 (vi) A corporation established by an act of Congress
4 that is required by Federal law to submit annual reports
5 of its activities to the Congress of the United States,
6 including itemized accounts of all receipts and
7 expenditures, after being fully audited by the Department
8 of Defense.

9 (vii) A charitable organization receiving \$25,000 or
10 less in contributions annually.

11 (7) A person or business soliciting from prospective
12 purchasers who have previously purchased from the business
13 enterprise on whose behalf the person is calling, if the
14 business enterprise has operated continuously for at least
15 three years under the same business name.

16 (8) A person or business primarily soliciting the sale
17 of a newspaper, magazine or other periodical of general
18 circulation if the publishing business has operated
19 continuously for at least two years under the same business
20 name, the solicitor is an employee of the publisher or of an
21 agent of the publisher and the solicitor discloses during the
22 initial contact the total cost to purchase, receive or use
23 and the quantity of the newspapers, magazines or other
24 periodicals that are the subject of the sales offer. As used
25 in this paragraph, the term "agent" means a person or
26 business that has entered into a written agreement directly
27 with the publisher.

28 (9) A person or business, or an agent of the person or
29 business, that has operated a retail business establishment
30 in this Commonwealth for at least two years under the same

1 name used in connection with telemarketing if:

2 (i) products are displayed and offered for sale or
3 services are offered for sale and provided at the
4 business establishment; and

5 (ii) a majority of the seller's business involves
6 buyers obtaining products or services at the seller's
7 location. As used in this paragraph, the term "agent"
8 means a person or business that has entered into a
9 written agreement directly with the retail business
10 establishment.

11 (10) A person or business providing telemarketing
12 services continuously for at least five years under the same
13 ownership and control and deriving 75% of its gross
14 telemarketing sales revenue from contracts with persons or
15 businesses exempt under this section.

16 (11) A person or business soliciting the sale of food or
17 produce if the solicitation is not intended to result and
18 does not result in a sale costing the purchaser more than
19 \$500, and the person or business has operated continuously
20 for at least two years under the same business name.

21 (12) An issuer or subsidiary of an issuer that has a
22 class of securities subject to 15 U.S.C. § 781 (relating to
23 registration requirements for securities) and is registered
24 or exempt from registration under 15 U.S.C. § 781(g)(2)(A),
25 (B), (C), (E), (F), (G) or (H).

26 * * *

27 Section 3. Section 5(a)(1), (2), (5), (6), (7), (8), (9) and
28 (10) and (c)(1), (2), (3) and (4) of the act are amended and
29 subsection (a) is amended by adding paragraphs to read:

30 Section 5. Unlawful acts and penalties.

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

(1) Conducting telemarketing [after 9 p.m. or before 8 a.m.] or otherwise initiating or causing to be initiated a telephone solicitation on a Sunday or after 7 p.m. or before 9 a.m. on a weekday.

(2) Initiating [an outbound telephone call, including a robocall, to a person when the person previously has stated that the person does not wish to receive an outbound telephone call made by or on behalf of the seller whose goods or services are being offered.] or causing to be initiated an outbound telephone solicitation, including a robocall, to a residential, business or wireless subscriber when the subscriber previously has stated that the subscriber does not wish to receive a telephone solicitation made by or on behalf of the seller or telemarketer. A seller or telemarketer [will] shall not be liable for violating the provisions of this paragraph if:

(i) [he] the seller or telemarketer has established and implemented written procedures to comply with this paragraph;

(ii) [he] the seller or telemarketer has trained his personnel in the procedures;

(iii) the seller [or the telemarketer acting on behalf of the seller] or telemarketer has maintained and recorded lists of persons who may not be contacted; and

(iv) any subsequent call is the result of error.

* * *

(5) Failing to disclose promptly to any [consumer]

idential, business or wireless telephone subscriber due

initial telephone contact the purpose of the call, the

1 name of the telemarketer or telemarketing business and, if
2 applicable, what the telemarketer or telemarketing business
3 is selling.

4 (6) In the case of prize promotions, failing to provide
5 the odds of winning, advising that no purchase or payment is
6 necessary to win and identifying restrictions or conditions
7 on obtaining a prize. In any prize promotion, if the odds are
8 not calculable in advance, the factors used in calculating
9 the odds must be disclosed. The no-purchase/no-payment method
10 of participating in the prize promotion with either
11 instructions on how to participate or an address or local or
12 toll-free telephone number to which customers may write or
13 call for information on how to participate shall be provided.
14 All material costs or conditions to receive or redeem a prize
15 that is the subject of the prize promotion must also be
16 provided. Disclosure under this paragraph must be made prior
17 to the customer's payment for the consumer goods or services
18 offered.

19 (7) Failing to reduce any sale of consumer goods or
20 services made during a [telemarketing call] telephone
21 solicitation to a written contract and obtaining the
22 consumer's signature on the written contract, except as
23 provided in subsection (d).

24 (8) Failing to end a [telemarketing solicitation call
25 when the consumer indicates he wants to end the call.]
26 telephone solicitation when a called party indicates the
27 called party wants to end the call or message.

28 (9) Engaging in any deceptive or abusive telemarketing
29 acts or practices in violation of 16 CFR 310 (relating to
30 telemarketing sales rule) [.] , 47 U.S.C. § 227(e) (relating to

1 restrictions on use of telephone equipment) or any regulation
2 of the Federal Communications Commission relating to caller
3 identification requirements.

4 (10) [Making a telephone solicitation call] Initiating
5 or causing to be initiated a telephone solicitation or
6 message on a legal holiday.

7 (11) Initiating or causing to be initiated a robocall to
8 any residential, business or wireless telephone line without
9 the prior express written consent of a called party, unless
10 the call is initiated for emergency purposes or is otherwise
11 exempt under this act.

12 (12) Using or causing to be used any unfair or deceptive
13 act or practice in an effort to obtain a residential,
14 business or wireless subscriber's consent to receive
15 telephone solicitations or messages.

16 (13) Using or causing to be used any technology or any
17 synthetic or computer-generated messaging to defraud, deceive
18 or mislead a residential, business or wireless subscriber.

19 * * *

20 (c) Contract provisions.--A contract under subsection (a) (7)
21 shall contain the following information:

22 (1) The name, address and telephone number of the seller
23 and the telemarketer or telemarketing business.

24 (2) The total price of the consumer goods or services
25 purchased or rented.

26 (3) A detailed description of the consumer goods and
27 services purchased or rented which shall match the oral
28 description given in the [telemarketing] telephone
29 solicitation.

30 (4) Any oral or written representations made during the

1 [telemarketing] telephone solicitation.

2 * * *

3 Section 4. Sections 5.1, 5.2 heading, (a), (b), (e)(1) and
4 (2), (g), (h) and (l)(1)(i), (ii) and (iii) and (2), 6(b) and
5 (c) and 9(c) of the act are amended to read:

6 Section 5.1. Blocking of caller identification and other
7 telemarketing screening products or services
8 prohibited.

9 No telemarketer shall take any action with the primary
10 intent:

11 (1) to prevent the transmission of a telemarketer's name
12 or telephone number or to falsely identify the telemarketer's
13 name or telephone number to any recipient of a telephone
14 solicitation [call when the equipment or service used by the
15 telemarketer is capable of creating and transmitting the
16 telemarketer's name or telephone number]; or

17 (2) to circumvent, bypass or disable any product or
18 service used by the residential, wireless or business
19 telephone subscriber to screen telephone calls or messages.

20 Section 5.2. Unwanted telephone [solicitation calls]
21 solicitations prohibited.

22 (a) [General rule] Prohibition.--No telemarketer shall
23 initiate or cause to be initiated a telephone solicitation
24 [call] to a telephone number of a residential, wireless or
25 business telephone subscriber who does not wish to receive
26 telephone [solicitation calls] solicitations and has caused
27 [his] the subscriber's name, address and telephone number to be
28 enrolled on a do-not-call list maintained by the list
29 administrator. This prohibition shall be effective 30 days after
30 a quarterly do-not-call list is issued by the list administrator

1 which first contains a residential, wireless or business
2 telephone subscriber's name, address and residential, wireless
3 or business telephone number. In the event that the Federal
4 Trade Commission and/or the Federal Communications Commission
5 establish a national No Call Registry, the Director of the
6 Bureau of Consumer Protection in the Office of Attorney General
7 is authorized to release to the list administrator of such
8 national No Call Registry sufficient data to include all those
9 residential, wireless and business telephone subscribers
10 currently enrolled on the do-not-call list and any residential,
11 wireless or business telephone subscribers who subsequently
12 enroll with the Bureau of Consumer Protection in the Office of
13 Attorney General. Prior to releasing any such data to a national
14 No Call Registry, the Bureau of Consumer Protection in the
15 Office of Attorney General shall provide those residential,
16 wireless and business telephone subscribers currently enrolled
17 with the opportunity to remove their information from the do-
18 not-call list.

19 (b) Listings.--Telemarketers making telephone [solicitation
20 calls] solicitations shall quarterly obtain listings of
21 residential, business and wireless telephone subscribers in this
22 Commonwealth who have arranged to have their names, addresses
23 and telephone numbers enrolled on the list administrator's do-
24 not-call list or shall utilize a service provider who has
25 quarterly obtained and will use such listings.

26 * * *

27 (e) Affirmative defense.--A telemarketer is not in violation
28 of this section if all of the following are satisfied:

29 (1) [He] The telemarketer has established and
30 implemented written procedures to comply with this section.

(2) [He] The telemarketer has trained [his] the
telemarketer's personnel in the procedures.

* * *

(g) Restrictions on use of do-not-call list.--No person or business, telemarketer or otherwise shall use a list administrator's do-not-call list for any purpose other than to move residential, business or wireless telephone subscribers from telephone [sales call] solicitation lists.

(h) Disclosure to residential, business or wireless telephone subscribers.--Each local exchange telephone company, competitive local exchange telephone company, long-distance interexchange carrier company, Internet service provider that provides telephone service and affiliated companies providing telecommunications billing service shall clearly notify its residential, business or wireless telephone subscribers in this Commonwealth of their ability to contact the list administrator which accepts individual names, addresses and telephone numbers of persons who do not wish to receive telephone [solicitation calls] solicitations. The method of notification shall include, but not be limited to, placing the notice in billing statements mailed to residential, business and wireless subscribers and publication of notice in the consumer information pages of a local telephone directory of general circulation. The notification shall specify the methods by which residential, business and wireless subscribers may place their names on the not-call list and how often renewal is necessary.

* * *

(1) Robocall requirements.--

(1) A telemarketer or telemarketing business that uses robocalls:

(i) Shall establish a procedure, consistent with the requirements under subparagraph (ii), for a called [person] party to opt out of receiving future telephone [solicitation calls] solicitations from that telemarketer or telemarketing business and be immediately taken off the telemarketer's call list.

(ii) Shall provide notice to a called number, at the beginning of the call, stating how a called [person] party can opt out of receiving future telephone [solicitation calls] solicitations from that telemarketer or telemarketing business. Immediate opt out shall be available through an automated, interactive voice-activated or key-press-activated opt-out mechanism for the called [person] party to make a do-not-call request, including brief explanatory instructions on how to use the opt-out mechanism, within two seconds of disclosing the name of the caller and the name of the person or entity on whose behalf the call is being made. The called [person] party shall be able to opt out throughout the duration of the call.

(iii) May not require a called [person's] party's written consent as a condition to opt out of future telemarketing calls.

* * *

(2) When a robocall is left on an answering machine or a voicemail service, the message must provide a toll-free telephone number that enables the called [person] party to call back at a later time and connect directly to the automated, interactive voice-activated or key-press-activated opt-out mechanism and automatically record the called

1 [person's] party's number to the do-not-call list of the
2 telemarketer or telemarketing business.

3 Section 6. Violations.

4 * * *

5 [(b) Second or subsequent offense.--Upon a second or
6 subsequent violation of this act, the Office of Attorney General
7 may seek revocation of registration or the right to conduct
8 telemarketing in this Commonwealth.]

9 (c) Procedure.--All actions of the Office of Attorney
10 General under this act shall be taken subject to the right of
11 notice, hearing and adjudication and the right of appeal
12 therefrom in accordance with 2 Pa.C.S. (relating to
13 administrative law and procedure).]

14 Section 9. Investigation.

15 * * *

16 (c) Confidentiality.--Any testimony taken or material
17 produced shall be kept confidential by the Attorney General
18 except to the extent [he] the Attorney General may use
19 information in a judicial proceeding or if the disclosure is
20 authorized by the court for good cause shown or confidentiality
21 is waived by the person being investigated and by the person who
22 has testified, answered interrogatories or produced materials.

23 Section 5. This act shall take effect in 90 days.