
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 381 Session of
2023

INTRODUCED BY BROOKS, STEFANO, LANGERHOLC, BARTOLOTTA, BREWSTER,
KANE, LAUGHLIN, TARTAGLIONE, COMMITTA, SANTARSIERO,
CAPPELLETTI, COSTA AND HUTCHINSON, FEBRUARY 21, 2023

REFERRED TO CONSUMER PROTECTION AND PROFESSIONAL LICENSURE,
FEBRUARY 21, 2023

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, is amended and the section is
12 amended by adding definitions to read:

13 Section 2. Definitions.

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

17 * * *

18 "Caller ID spoofing." Knowingly causing, directly or
19 indirectly, a caller identification service to transmit

1 inaccurate or misleading caller identification information to a
2 person or entity receiving a call.

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

8 "Caller identification service." A service or device
9 designated to provide the user of the service or device with the
10 telephone number of, or other information regarding the
11 origination of, a call made using a telecommunications service
12 or Interconnected Voice over Internet Protocol service.

13 * * *

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

20 * * *

21 Section 2. Section 5(a)(1) and (10) of the act are amended
22 and the subsection is amended by adding a paragraph to read:

23 Section 5. Unlawful acts and penalties.

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

25 (1) Conducting telemarketing after [9] 8 p.m. or before
26 8 a.m.

27 * * *

28 (10) Making a telephone solicitation call on a legal
29 holiday as defined in 5 U.S.C. § 6103(a) (relating to
30 holidays) as of the effective date of paragraph (11).

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

2 * * *

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

5 Section 5.2. Unwanted telephone solicitation calls prohibited.

6 * * *

7 (j.1) Caller ID spoofing.--

8 (1) A person or entity may not engage, directly or
9 indirectly, in caller ID spoofing from or to another person
10 or entity in this Commonwealth with the intent to defraud,
11 cause harm to or wrongfully obtain anything of value from the
12 other person or entity.

13 (2) Paragraph (1) does not apply to any of the
14 following:

15 (i) The blocking of caller identification
16 information.

17 (ii) A Federal, State or local law enforcement
18 agency.

19 (iii) A Federal intelligence or security agency.

20 (iv) A court order that specifically authorizes the
21 use of caller identification manipulation.

22 (v) A communications service provider, including a
23 telecommunications or Interconnected Voice over Internet
24 Protocol service provider, that is:

25 (A) acting in the communications service
26 provider's capacity as an intermediary for the
27 transmission of telephone service between the caller
28 and the recipient;

29 (B) providing or configuring a service or
30 service feature as requested by the customer;

1 (C) acting in a manner that is authorized or
2 required by applicable law; or

3 (D) engaging in other conduct that is necessary
4 to provide service.

5 * * *

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