

House Bill 1071

By: Representatives Gullett of the 19th, Momtahan of the 17th, Martin of the 49th, Scoggins of the 14th, Dollar of the 45th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 46-5-27, relating to telephone solicitations to residential, mobile, or
2 wireless subscribers, Public Service Commission to establish and maintain list of certain
3 subscribers, authorization for imposition of administrative fees, confidential nature of data
4 base, and required identification, so as to prohibit text messages as a method of making
5 unwanted telephone solicitations; to provide for and change definitions; to provide for related
6 matters; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Code Section 46-5-27, relating to telephone solicitations to residential, mobile, or wireless
10 subscribers, Public Service Commission to establish and maintain list of certain subscribers,
11 authorization for imposition of administrative fees, confidential nature of data base, and
12 required identification, is amended by revising subsection (b) as follows:

13 "(b) As used in this Code section, the term:

14 (1) 'Caller identification service' means a type of telephone service which permits
15 telephone subscribers to see the telephone number of incoming telephone calls or text
16 messages.

17 (2) 'Residential, mobile, or wireless subscriber' means a person who has subscribed to
18 telephone service from a local exchange company or mobile or wireless telephone service
19 provider or other persons living or residing with such person.

20 (3) 'Telephone solicitation' means any voice communication over a telephone line or any
21 text message for the purpose of encouraging the purchase or rental of, or investment in,
22 property, goods, or services, but does not include communications:

23 (A) To any residential, mobile, or wireless subscriber with that subscriber's prior
24 express invitation or permission;

25 (B) By or on behalf of any person or entity with whom a residential, mobile, or
26 wireless subscriber has a prior or current business or personal relationship; or

27 (C) By or on behalf of a charitable organization which has filed a registration statement
28 pursuant to Code Section 43-17-5, is exempt from such registration under
29 paragraphs (1) through (6) of subsection (a) of Code Section 43-17-9, or is exempt from
30 such registration as a religious organization or agency referred to in paragraph (2) of
31 Code Section 43-17-2.

32 Such communication may be from a live operator, through the use of ADAD equipment
33 as defined in Code Section 46-5-23, or by other means.

34 (4) 'Text message' shall have the same meaning as provided for such term in 47 U.S.C.
35 Section 227(e)(8)(C), as it existed on January 1, 2020."

36 **SECTION 2.**

37 All laws and parts of laws in conflict with this Act are repealed.