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HOUSE BILL NO. 905

Offered January 13, 2010

Prefiled January 13, 2010

A *BILL to amend and reenact § 59.1-518.2 of the Code of Virginia, relating to when automatic dialing-announcing devices are prohibited.*

Patron—Bell, Robert B.

Referred to Committee on Commerce and Labor**Be it enacted by the General Assembly of Virginia:****1. That § 59.1-518.2 of the Code of Virginia is amended and reenacted as follows:**

§ 59.1-518.2. When automatic dialing-announcing devices prohibited.

A. A caller shall not use an automatic dialing-announcing device in connection with making a commercial telephone solicitation unless:

1. ~~The subscriber has knowingly or voluntarily requested, consented to, permitted, or authorized receipt of the message, or~~

2. ~~The~~ the message is immediately preceded by a live operator who, after disclosing (i) the name of the entity sending the message, (ii) the purpose of the message, (iii) the kinds of goods or services the message is promoting, and (iv), if applicable, the fact that the message intends to solicit payment or the commitment of funds, obtains the subscriber's consent before the commercial telephone solicitation is delivered.

B. A caller shall not use an automatic dialing-announcing device in connection with making a call if the subscriber has registered with the Virginia Do Not Call Registry unless the subscriber has knowingly or voluntarily requested, consented to, permitted, or authorized receipt of the message.

2. That by December 31, 2010, the State Corporation Commission shall establish the Virginia Do Not Call Registry subject to any restrictions imposed by the Telephone Consumer Protection Act of 1991, 47 U.S.C. § 227 (1991) and other similar federal legislation. The Virginia Do Not Call Registry shall be established for the purpose of creating a registry to which subscribers who wish to block all calls that use or are made in connection with automatic dialing-announcing devices may register.

3. That the provisions of the first enactment of this act shall become effective on December 31, 2010.

INTRODUCED

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