

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Introduced

House Bill 4886

By Delegates Howell, Willis, Mallow, Jeffries, Kelly, W.

Clark, Ferrell, E. Pritt, Householder, Toney, and

Phillips

[Introduced January 18, 2024; Referred to the Committee

on the Judiciary]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
 2 designated §46A-6F-115, relating to providing legislative findings; imposing a civil penalty
 3 upon phone companies who allow telemarketing calls using a United States or West
 4 Virginia based phone numbers to go to individuals with no callback option; and providing
 5 for exceptions.

Be it enacted by the Legislature of West Virginia:

ARTICLE 6F. TELEMARKETING.

§46A-6F-115. Penalty for phone company telemarketing calls in certain instances.

1 (a) Legislative findings. – The West Virginia Legislature finds that the problem of phone
 2 companies permitting telemarketing phone calls with no ability to call back the company has been
 3 increasing over the last few years. Many of these telemarketing calls come into the state from
 4 foreign nations. Some of these calls use West Virginia area codes and numbers associated with
 5 West Virginia cities and towns. When an individual tries to return the call, the number is
 6 disconnected or no longer in use. Phone companies in this state should allow an individual to call
 7 telemarketing companies back at the number where the call originated and speak to that
 8 telemarketing campaign's representative.

9 (b) Penalty. – There shall be a \$1,000 civil administrative penalty, to be levied by the
 10 Department of Tax and Revenue, per instance when a phone company knowingly allows a
 11 telemarketing campaign to call a resident of this state using a United States or West Virginia based
 12 phone number, with no ability for an individual to call that company back at that number and speak
 13 to a representative of the company.

14 (c) Exceptions. – The provisions of this section do not apply to registered call centers in the
 15 United States, or foreign call centers who contract with a company registered in the United States.

NOTE: The purpose of this bill is to impose a civil penalty for phone companies who knowingly allow telemarketing campaigns to use United States or West Virginia based phone numbers but provide no callback option using that phone number. The bill provides for legislative findings and exceptions.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.