

# **WEST VIRGINIA LEGISLATURE**

## **2026 REGULAR SESSION**

### **Introduced**

## **House Bill 4909**

By Delegates B. Smith, Flanigan, Pritt, Fehrenbacher,  
Masters, Akers, Adkins, Gearheart, Funkhouser,  
Hillenbrand, and Hornby

[Introduced January 29, 2026; referred to the  
Committee on the Judiciary]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding a new article,  
2 designated §46A-6O-1, §46A-6O-2, §46A-6O-3, §46A-6O-4, and §46A-6O-5, relating to  
3 consumer protection from fraudulent telephone solicitations; defining terms; establishing  
4 exclusions; prohibiting deceptive and abusive telephone solicitation practices; requiring  
5 telecommunications providers to implement anti-spoofing technology; establishing civil  
6 and criminal penalties; providing for restitution; revoking business licenses for violators;  
7 directing penalty proceeds to local fire and emergency medical services; and providing  
8 enforcement authority.

*Be it enacted by the Legislature of West Virginia:*

**ARTICLE 6O. TELEPHONE CONSUMER PROTECTION ACT.**

**§46A-6O-1. Definitions.**

1 For purposes of this article:

2 "Called party" means a person who is a regular user of a telephone number that receives a  
3 telephone solicitation, regardless of whether the person is the account holder.

4 "Caller identification service" means a service that allows a telephone subscriber to have  
5 the telephone number and, where available, the name of the calling party transmitted  
6 simultaneously with the telephone call and displayed on a device connected to the subscriber's  
7 telephone.

8 "Prior express written consent" means a written agreement that:

9 (1) Bears the signature of the called party, including an electronic or digital signature  
10 recognized under applicable state or federal law;

11 (2) Clearly authorizes the placement of a telephone solicitation using an automated  
12 system, prerecorded message, artificial voice, voicemail, or text message; and

13 (3) Is not required, directly or indirectly, as a condition of purchasing any goods or services.

14 "Telephone solicitation" means an organized activity, program, or campaign to  
15 communicate by telephone with residents of this state for the purpose of selling, leasing, or renting

16 goods or services; offering gifts or prizes; conducting polls or surveys used for marketing  
17 purposes; or managing, directing, or supervising such activities.1) "Robocall" means any  
18 telephone call made using an automatic dialing system, prerecorded message, or artificial voice.

**§46A-6O-2. Exclusions.**

1 (a) This article does not apply to:  
2 (1) An isolated transaction not conducted as part of a pattern of repeated transactions;  
3 (2) A charitable, religious, political, or educational solicitation;  
4 (3) A business-to-business communication by an entity that has been lawfully operating for  
5 at least three years;  
6 (4) A communication for the maintenance or repair of goods previously purchased;  
7 (5) A communication made in direct response to a request or inquiry from a customer; or  
8 (6) A communication within an existing business relationship that is initially informational in  
9 nature.  
10 (7) A charitable solicitation is exempt only if conducted by a nonprofit entity exempt from  
11 taxation under §501(c)(3), (4), or (6) of the Internal Revenue Code.

**§46A-6O-3. Prohibited conduct.**

1 a) A person may not initiate or cause a telephone solicitation using:  
2 (1) An automated system for the selection or dialing of telephone numbers; or  
3 (2) A prerecorded or artificial voice message.  
4 without prior express written consent of the called party.  
5 (b) A person may not:  
6 (1) Fail to transmit accurate caller identification information;  
7 (2) Block, disguise, falsify, or spoof caller identification information;  
8 (3) Intentionally alter voice characteristics to conceal identity;  
9 (4) Place a telephone solicitation between the hours of 8:00 p.m. and 8:00 a.m. local time;  
10 or

11 (5) Place more than three telephone solicitations within a 24-hour period on the same  
12 subject matter.

13 (c) Intent to defraud, mislead, or unlawfully obtain personal or financial information  
14 constitutes prima facie evidence of a violation of this section.

**§46A-6O-4. Violations; enforcement.**

1 (a) A violation of this article constitutes an unfair, abusive, or deceptive trade practice  
2 under §46A-5-101 et seq. of this code.

3 (b) There is a rebuttable presumption that a telephone call made to a West Virginia area  
4 code is made to a resident or business of this state.

**§46A-6O-5. Anti-spoofing requirements; civil liability; restitution; license revocation;**  
**criminal penalties.**

5 (a) *Mandatory anti-spoofing technology; compliance timeline.* – Each telecommunications  
6 company, voice service provider, or other entity providing telephone service to residents of this  
7 state shall implement and maintain state-of-the-art caller identification authentication and anti-  
8 spoofing technology, including STIR/SHAKEN or successor technologies, capable of detecting,  
9 blocking, labeling, or preventing spoofed or fraudulent telephone calls.

10 (1) Such technology shall be provided at no cost to the customer and enabled by default  
11 unless affirmatively declined.

12 (2) All providers shall achieve compliance within twelve months of the effective date of this  
13 article.

14 (3) The Public Service Commission may grant one temporary extension, not to exceed  
15 twelve additional months, upon a documented showing of extraordinary technical or financial  
16 hardship.

17 (b) *Failure or refusal to comply.* – A provider may not knowingly or negligently refuse, delay,  
18 disable, or fail to implement the protections required by this section.

19 (c) Civil penalties against telecommunications providers.

A provider in violation of this section is subject to a civil penalty of up to \$100 per spoofed call, payable directly to the affected customer. Each spoofed call constitutes a separate violation.

(d) Damages and enhanced restitution. – In addition to civil penalties, a provider shall be liable for:

(1) Full reimbursement of all actual damages incurred by the customer; and

(2) An additional restitution fee equal to five times the amount of actual damages.

(e) Allocation of enhanced restitution. – The restitution fee imposed under subsection (d)(2) of this section shall be distributed as follows:

(1) Twenty-five percent to the affected customer; and

(2) Seventy-five percent to local fire and emergency medical services operating within the jurisdiction in which the customer resides.

(f) West Virginia-based companies initiating spoofing calls. – If a spoofed call is initiated by a company domiciled, incorporated, registered, or principally operating within this state, the company shall:

(1) Have its business license revoked upon a finding of liability; and

(2) Pay a civil fine of \$10,000 per incident, payable exclusively to local fire and emergency medical services.

(g) Individuals initiating spoofing calls; criminal penalties. – If a spoofed call is knowingly and willfully initiated by an individual with intent to defraud, mislead, or unlawfully obtain personal or financial information, the individual shall be subject to:

(1) A civil fine of \$10,000 per incident, payable to local fire and emergency medical services; and

(2) Criminal penalties as follows:

(A) First offense — misdemeanor: Confinement in jail for not more than 100 days;

(B) Second offense — felony: Confinement in a state correctional facility for not less than one year nor more than three years; and

46           (C) Third or subsequent offense — felony: Confinement in a state correctional facility for  
47 not less than three years nor more than ten years.

48           (h) Aggregation; prosecutorial discretion. – Violations may be charged separately or  
49 aggregated as part of a single scheme or course of conduct.

50           (i) Enforcement authority. – The Attorney General, prosecuting attorneys, and other  
51 authorized enforcement authorities may seek civil penalties, criminal prosecution, restitution,  
52 injunctive relief, and license revocation.

53           (j) Construction; non-preemption. – This article supplements federal law and shall be  
54 construed liberally to protect consumers and narrowly with respect to legitimate business  
55 communications conducted in good faith.

NOTE: The purpose of this bill is to establish comprehensive protections against telephone solicitation fraud, spoofing, and abuse; to require modern safeguards by telecommunications providers; to impose strong penalties on violators; and to direct enforcement proceeds to local fire and emergency medical.

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