

Joint Commission on Technology and Science Report to the Chairs of the House Committee on Commerce and Energy and the Senate Committee on Commerce and Labor on Telephone Solicitation Calls and Text Messages

The following is a brief report on the Joint Commission on Technology and Science's (JCOTS) consideration of the practice of unwanted telephone solicitation calls and telephone solicitation calls via text message, as directed by HB 1504 (Orrock, 2023).

During the June 8, 2023, JCOTS meeting, members voted to include in JCOTS's interim work plan a study of the practice of unwanted telephone and text message solicitations.

During the August 21, 2023, JCOTS meeting, staff presented the updated interim work plan, which included the study. Staff requested that any interested parties and experts on the topic reach out to the office of Delegate C.E. Cliff Hayes, Jr., Chair, by September 1, 2023, in order to give input for the study that staff would compile and report to JCOTS.

Neither Delegates Hayes's office nor staff received responses from interested parties or experts on the subject, either by September 1, 2023, or by the time of the October 18, 2023, meeting.

During the October 18, 2023, JCOTS meeting, staff gave a brief report on the study. Staff began the report with a summary of HB 1504 (as passed) and its directions for JCOTS. Staff then gave a brief overview of relevant law and guidelines, both state and federal, governing unsolicited calls and text messages, including enforcement mechanisms. Generally, Federal Communications Commission (FCC) guidelines and the Federal Trade Commission's (FTC) National Do Not Call Registry, which is enforced by the FCC, the FTC, a state's Office of the Attorney General, and others, are the primary federal mechanisms that cover this topic. At the state level, in addition to the Attorney General of Virginia's enforcement of the FTC Do Not Call Registry, the Virginia Telephone Privacy Protection Act (§ 59.1-510 et seq. of the Code of Virginia) provides additional protections, including a prohibition on unwanted telephone solicitation calls, calling time restrictions, and identification of the solicitor, among others.

Staff concluded the report with a short description of the purpose of HB 1504 (as introduced). The bill sought to add to the provisions of the Virginia Telephone Privacy Protection Act regarding a prohibition on unwanted telephone solicitation calls the ability for a person to make a statement that he does not wish to receive a solicitation by "responding to the text message with words such as "STOP," "UNSUBSCRIBE," or "OPT OUT" or similar words indicating that the person does not want to receive such telephone solicitation calls." Staff also mentioned that the fiscal impact statement for the introduced version of HB 1504 stated that the Office of the Attorney General and Department of Law indicated a fiscal impact.

Staff also indicated that no responses to the request for input from interested parties and experts were received.

After staff's report, JCOTS members asked whether any recommendations were made, and staff explained that because no responses from interested parties or experts were received, there were no recommendations received. Staff added that JCOTS members could make any recommendations they deemed appropriate, including measures such as further study, no action, or those described in the introduced version of HB 1504, or any other recommendations they felt would be appropriate in addressing the issue. JCOTS members had no other questions.

JCOTS made no recommendations.

Additional resources:

- The recording of the October 18, 2023, meeting that includes the staff report on the topic, and all additional JCOTS meetings, can be viewed by clicking on the date of the meeting in the calendar here:
<https://viriniageneralassembly.gov/house/committees/commstream.html>
- HB1504 (Orrock, 2023) can be found here:
<https://lis.virginia.gov/cgi-bin/legp604.exe?ses=231&typ=bil&val=hb1504>
- The Virginia Telephone Privacy Protection Act can be found here:
<https://law.lis.virginia.gov/vacodepopularnames/virginia-telephone-privacy-protection-act/>

If you have any questions, please reach out to Nikhil Edward, staff attorney for JCOTS, at nedward@dls.virginia.gov or to Delegate Hayes's office at DelCHayes@house.virginia.gov.