



# HOUSE BILL 936: Robocall Solicitation Modifications.

2025-2026 General Assembly

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<b>Committee:</b> Senate Rules and Operations of the Senate	<b>Date:</b> June 16, 2026
<b>Introduced by:</b> Rep. Greene	<b>Prepared by:</b> Amy Darden
<b>Analysis of:</b> Fourth Edition	Staff Attorney

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## **OVERVIEW:** House Bill 936 would do the following:

- Apply the rules for telephone solicitations to robocalls, text messages, and texting applications.
- Require prior express written consent to authorize any telephone solicitation or solicited fax.
- Prohibit impersonation of government officials as part of a telephone solicitation.
- Apply civil penalties for each violation within a single telephone solicitation.

**CURRENT LAW:** Article 4 of Chapter 75 places certain restrictions on telephone solicitations.

**Do Not Call Registry (Registry):** Individuals may register their number with the Registry to not receive unsolicited calls. A telephone solicitor is prohibited from contacting numbers on the Registry.

However, a telephone solicitor may call numbers on the Registry if the telephone subscriber (an individual who subscribes to a phone service in the State and members of their household) provides an express invitation or permission. Express invitation or permission is defined as "any invitation or permission that is registered by the telephone subscriber on an independent form and that contains the telephone number to which calls can be placed and the signature of the telephone subscriber." It can be signed electronically, but the telephone solicitor can't seek the permission by telephone. The telephone subscriber can withdraw the permission, and if there is dispute over permission, the telephone solicitor bears the burden of proof.

**Other Prohibitions on Telephone Solicitations:** Telephone solicitors are also prohibited from:

- Engaging in threats, intimidations, or the use of profane language.
- Transmission of misleading information that misrepresents the origins of the call.

**Unsolicited Telephone Calls:** Persons are prohibited from using automatic dialing and recorded message players (automatic equipment that stores telephone numbers to be caller or uses a random generator to disseminate a prerecorded message to the number called) to make unsolicited telephone calls (a voice or text communication over telephone, wireless telephone, or commercial mobile radio service to a telephone subscriber without prior express invitation or permission), with some exceptions.

Telephone solicitation restrictions are enforced by civil actions filed by the Attorney General or aggrieved telephone subscribers. Telephone subscribers can seek an injunction barring further calls and monetary damages of \$500 for the first violation, \$1000 for the second violation, and \$5000 for the third and other violations with a two-year period of the first violation.

**Unsolicited Faxes:** Article 5 of Chapter 75 prohibits sending unsolicited advertisements to a telephone facsimile machine. Unsolicited advertisements are "any material advertising the commercial availability

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or quality of any property, goods, or services that is transmitted to any person or entity without that person's or entity's prior express invitation or permission."

**BILL ANALYSIS:** House Bill 936 would make the following changes to definitions to apply the rules for telephone solicitations to robocalls, text messages, and texting applications:

- Repeal the definition of "automatic dialing and recorded message player" and "unsolicited telephone call" and replace them with the terms "robocall" and "robocaller". A robocall would be defined as a voice communication that delivers artificial, artificially generated, or prerecorded voice messages. It would also include telephone calls utilizing soundboard technology, ringless voicemail messages, and spam and scam text messages.
- Repeal the term "express invitation or permission" and replace it with the term "prior express written consent," defined as an agreement (i) in writing; (ii) signed by the person who authorizes the seller to deliver the telephone solicitations; (iii) including the telephone number to which the signatory agrees to receive the telephone solicitations; and (iv) containing a clear and conspicuous disclosure informing the signatory that by executing the agreement the person authorizes the seller to deliver telephone solicitations and that the person is not required to sign or enter into such an agreement as a condition to receive goods or services.
- Broaden the definition of telephone solicitor to include any person that makes, attempts to make, causes to be made, or otherwise provides or knows or consciously avoids knowing that they provide substantial assistance or support for making telephone solicitations.

House Bill 936 would also:

- Prohibit a telephone solicitor or robocaller from transmitting misleading information to users of caller ID or block or misrepresent the origin of their call with the intent to defraud, confuse, cause harm, or wrongfully obtain anything of value.
- Create a new prohibition on impersonation of federal, State, or local government officials, law enforcement, or government agencies to defraud, confuse, or financially or otherwise injure the telephone subscriber or obtain information that may be used in a fraudulent or unlawful manner.
- Authorize penalties for each violation if a single call violates multiple provisions of the law.
- Allow individual civil actions for spoofing and impersonating government officials even if the call was the result of a mistake.
- Make a conforming change in Article 5 of Chapter 75, Unsolicited Facsimiles, to reference the new definition of prior express written consent.

**EFFECTIVE DATE:** The bill would become effective October 1, 2026, and apply to causes of actions for telephone solicitation in violation occurring on or after that date.

*Kara McCraw, Legislative Analysis, substantially contributed to this summary.*