



HOUSE BILL 936: Robocall Solicitation Modifications.

2025-2026 General Assembly

Committee:	House Rules, Calendar, and Operations of the House	Date:	May 6, 2025
Introduced by:	Rep. Greene	Prepared by:	Kara McCraw
Analysis of:	Second Edition		Staff Attorney

OVERVIEW: *HB 936 would make changes to the Telephone Solicitations and Unsolicited Facsimiles Articles of the consumer protections statutes by:*

- *Applying 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 a federal or State registry to not receive unsolicited calls. A telephone solicitor (an entity doing business in this State that makes or attempts to make telephone solicitations) is prohibited from contacting numbers on the "Do Not Call" 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) provide 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 form may be completed and signed electronically. 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 misrepresent 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 call (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

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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 also prohibits sending unsolicited advertisements to a telephone facsimile machine. Unsolicited advertisements are "Any material advertising the commercial availability 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: HB 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, that include telephone calls utilizing soundboard technology, ringless voicemail messages, and spam and scam text messages received by a telephone subscriber through a messaging application.
- Repeal the term "express invitation or permission" and replace it with the term "prior express written consent," defined as a written agreement signed by the telephone subscriber that clearly authorizes the telephone solicitor to deliver telephone solicitations to that telephone number. The consent is limited to (i) a single person; (ii) requires clear and conspicuous disclosure that the telephone subscriber will receive future calls on behalf of a specific seller; (iii) is effective if the form of signature is recognized as a valid signature under applicable federal or State law; and (iv) is nontransferrable.
- Broaden the definition of telephone solicitor to include any person that provides substantial assistance or support for making telephone solicitations.

HB 936 would also:

- 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.

EFFECTIVE DATE: HB 936 would become effective October 1, 2025, and apply to causes of actions for telephone solicitation in violation occurring on or after that date.