

# WEST VIRGINIA LEGISLATURE

## 2024 REGULAR SESSION

Introduced

### House Bill 5228

FISCAL  
NOTE

By Delegates Griffith and Hott

[Introduced January 26, 2024; Referred to the  
Committee on the Judiciary]

1 A BILL to amend and reenact §46A-6F-112 of the Code of West Virginia, 1931, as amended,  
 2 relating to telemarketing; and requiring that telemarketers' telephone calls include the area  
 3 code and correct point of origin.

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

**ARTICLE 6F. TELEMARKETING.**

**§46A-6F-112. Telemarketing solicitation.**

1 (a) "Telemarketing solicitation" means and includes any communication between a  
 2 telemarketer and a prospective purchaser for the purpose of selling or attempting to sell the  
 3 purchaser any consumer goods or services, if it is intended by the telemarketer that an agreement  
 4 to purchase the consumer goods or services will be made after any of the following events occur:

5 (1) The telemarketer makes an unsolicited telephone call to a consumer, attempting to sell  
 6 consumer goods or services to the consumer, when the consumer has not previously expressed  
 7 an interest to the telemarketer in purchasing, investing in, or obtaining information regarding, the  
 8 consumer goods or services offered by the telemarketer; or

9 (2) The telemarketer communicates with a consumer by any means and invites or directs  
 10 the consumer to respond by any means to the telemarketer's communications, and the  
 11 telemarketer intends to enter into an agreement with the consumer for the purchase of consumer  
 12 goods or services at some time during the course of one or more subsequent telephone  
 13 communications with the consumer.

14 (b) For purposes of this article, "communication" means a written or oral notification or  
 15 advertisement transmitted from a telemarketer to a consumer by any means.

16 (c) Any telemarketer conducting business in West Virginia by making unsolicited telephone  
 17 calls shall ensure that the area code and point of origin of the telephone call appear on the caller  
 18 identification of the potential consumer.

NOTE: The purpose of this bill is to require that telemarketers telephone calls include the

area code and correct point of origin that appear on potential consumers caller I.D.

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