

108TH CONGRESS
1ST SESSION

H. R. 122

To amend section 227 of the Communications Act of 1934 to prohibit the use of the text, graphic, or image messaging systems of wireless telephone systems to transmit unsolicited commercial messages.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 7, 2003

Mr. HOLT introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To amend section 227 of the Communications Act of 1934 to prohibit the use of the text, graphic, or image messaging systems of wireless telephone systems to transmit unsolicited commercial messages.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Wireless Telephone
5 Spam Protection Act”.

6 **SEC. 2. CONGRESSIONAL FINDINGS.**

7 The Congress finds that—

1 (1) it is estimated that more than 134,000,000
2 people in the United States currently subscribe to
3 wireless telephone service and that the percentage of
4 people in the United States who subscribe to such a
5 service will increase in the future;

6 (2) advances in technology have made it in-
7 creasingly easy to transmit information, including
8 messages in text, graphics, and images, to wireless
9 telephones;

10 (3) the privacy of personal information and the
11 protection of one's personal time is an issue of in-
12 creasing concern to people throughout the United
13 States;

14 (4) prudent consumer protections must keep
15 pace with advances in communications technology to
16 ensure protection of privacy and personal time; and

17 (5) to protect the privacy of wireless telephone
18 subscribers, transmission of unsolicited commercial
19 messages on wireless telephone text, graphic, and
20 image messaging systems should be prohibited.

21 **SEC. 3. PROHIBITION OF TRANSMISSION OF UNSOLICITED**
22 **COMMERCIAL MESSAGES.**

23 (a) PROHIBITION.—Section 227(b) of the Commu-
24 nications Act of 1934 (47 U.S.C. 227(b)) is amended—

25 (1) in paragraph (1)—

1 (A) in subparagraph (C), by striking “or”
2 at the end;

3 (B) in subparagraph (D), by striking the
4 period at the end and inserting “; or”; and

5 (C) by adding at the end the following new
6 subparagraph:

7 “(E) to use any covered messaging system
8 to transmit an unsolicited advertisement.”; and

9 (2) in paragraph (2)(C), by inserting before the
10 period at the end the following: “, except that the
11 Commission may not exempt under this subpara-
12 graph any call that violates the prohibition under
13 paragraph (1)(E)”.

14 (b) DEFINITION.—Section 227(a) of the Communica-
15 tions Act of 1934 (47 U.S.C. 227(a)) is amended—

16 (1) by redesignating paragraphs (2), (3), and
17 (4) as paragraphs (3), (4), and (5), respectively; and

18 (2) by inserting after paragraph (1) the fol-
19 lowing new paragraph:

20 “(2) The term ‘covered messaging system’
21 means a messaging system capable of providing text,
22 graphic, or image messages (including a short mes-
23 sage service and systems using the wireless applica-
24 tion protocol) that—

1 “(A) is provided as part of a commercial
2 mobile service (as such term is defined in sec-
3 tion 332(d)); and

4 “(B) provides access to the text, graphic,
5 or image messages on the same handset used to
6 access voice messages.”.

7 (c) EFFECT ON STATE LAW.—Subparagraph (A) of
8 section 227(e)(1) of the Communications Act of 1934 (47
9 U.S.C. 227(e)(1)) is amended by inserting “(including any
10 text, graphic, or image messaging system that is provided
11 as part of a commercial mobile service)” after “electronic
12 devices”.

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