

CHAPTER 280
FORMERLY
HOUSE BILL NO. 185
AS AMENDED BY
HOUSE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 15 OF THE DELAWARE CODE RELATING TO
AUTOMATED CALLS IN THE STATE OF DELAWARE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Title 15 of the Delaware Code by adding the following new section:

“§ 4516. Use of Pre-recorded or Automated Voice Message.

(a) Every individual, party, entity, person, including a corporation, organization, political or otherwise, candidate for public office, political party, company, or otherwise that makes an automated telephone call, which includes without limitation a pre-recorded or automated voice message and is commonly referred to as a “robo call”, in support of and/or against a candidate for public office and/or a political party shall fully disclose, at the start of such call and before any message is delivered: (i) the full, legal name of the individual, party, entity, person, including a corporation, organization, political or otherwise, candidate for public office, political party, committee, company, or otherwise on whose behalf such individual, party, entity, person, including a corporation, organization, political or otherwise, candidate for public office, political party, committee, company, or otherwise is placing the automated call; (ii) the individual, party, entity, person, including a corporation, organization, political or otherwise, candidate for public office, political party, committee, company, or otherwise that has paid for the automated telephone call; and (iii) when (i) and/or (ii) is other than an individual, disclosure of the name of the president (or other chief officer and treasure) of the entity listed in (i) and/or (ii) shall also be made.

(b) An automated call, as described in subsection (a), shall be received no earlier than 8 A.M. nor later than 9 P.M., as such time is determined in the State of Delaware.

(c) Automated calls to and one telephone number shall be limited to no more than three (3) a day by or for any one candidate for public office.

(d) Failure to make the disclosures mandated by subsection (a) or to comply with the restrictions set forth in subsection (b) shall result in a civil fine of \$25 per incident, as determined by each household in the State of Delaware that was called and the caller failed to make the necessary disclosures in subsection (a) or a call was received in violation of the restrictions set forth in subsection (b).”.

Approved June 10, 2010