

HCS SS SCS SB 613, 1030 & 899 -- TELEPHONE RECORDS

SPONSOR: Engler (Cooper, 120)

COMMITTEE ACTION: Voted "do pass" by the Committee on Utilities by a vote of 10 to 5.

This substitute creates the crime of knowingly receiving, selling, or obtaining land-line or cellular telephone records without a customer's consent. Exemptions include the Department of Corrections, state agencies with authority to regulate telecommunications, law enforcement officers performing their official duties, lawful use of the records in order to provide service, use of records pursuant to the Victims of Child Abuse Act of 1990, and the emergency use of records to prevent death or serious injury. Customers and telecommunications companies can recover actual damages, illicit profits, and punitive damages from persons who violate these provisions. There is a two-year statute of limitation on the civil actions, and the substitute does not create any new cause of action against telecommunications companies, but does require them to establish reasonable procedures to guard against the theft of telephone records.

Subscribers to wireless telephone services may request that their telephone records not be transmitted to any other party. Records will be available to the subscriber by regular mail or an encrypted and password-protected web site.

The substitute contains an emergency clause.

FISCAL NOTE: No impact on state funds in FY 2007, FY 2008, and FY 2009.

PROPONENTS: Supporters say that the bill is favored by those who want to expand the no-call list.

Testifying for the bill were Senator Engler; and AARP.

OPPONENTS: Those who oppose the bill say that they object to the radio tag amendment that was added to the bill and that there should not be a prohibition on soliciting business-owned cell phones.

Testifying against the bill were EDS Corporation; and Missouri Retailers Association.

OTHERS: Others testifying on the bill say that federal law currently regulates telephone solicitation for businesses.

Others testifying on the bill was AT&T.

Jason Glahn, Legislative Analyst