

HCS HB 1582 & 1963 -- TELECOMMUNICATIONS PRACTICES

SPONSOR: Emery (Pearce)

COMMITTEE ACTION: Voted "do pass" by the Special Committee on Utilities by a vote of 8 to 0.

This substitute changes the laws regarding the telemarketing No-call List and creates the crime of caller identification spoofing.

TELEMARKETING NO-CALL LIST

The substitute expands the No-call List to include cell phone numbers, prohibits sending unsolicited faxes and text messages to anyone who is on the No-call List, and prohibits using an automatic dialing announcing device (ADAD) when calling a residential subscriber who is on the No-call List unless:

- (1) The subscriber has knowingly or voluntarily authorized receipt of the message; or
- (2) The message is immediately preceded by a live operator who obtains the subscriber's consent before the message is delivered. The operator must disclose the name of the business for which the message is being made, the purpose of the message, whether or not the message will solicit money, and the kinds of goods or services the message is promoting.

ADAD equipment cannot be used unless it disconnects no more than 10 seconds after the subscriber ends the phone call.

These provisions do not apply to telephone calls:

- (1) From school districts to students, parents, or employees;
- (2) To subscribers with whom the caller has a current business or personal relationship;
- (3) To employees advising them of work schedules;
- (4) From agencies or entities making phone calls for emergency purposes;
- (5) From an individual conducting an opinion poll for bona fide informational purposes; or
- (6) From telecommunications companies calling about the receipt of free products and services.

Currently, the Attorney General is required to establish an advisory group to compile and promote a list of educational literature to help consumers understand their options with regard to telephone solicitations. The Attorney General is also required to include information on his or her web site informing residential subscribers of their right to be included on the No-call List and how to place their names and phone numbers on this list. The substitute repeals these provisions.

#### CALLER IDENTIFICATION SPOOFING

The substitute creates the crime of caller identification spoofing. A person will be guilty of a class D felony if he or she places by any method a phone call having knowingly inserted false information into his or her caller identification system with the intent to defraud the recipient of the telephone call.

The blocking of caller identification information by individuals is permitted. Federal, state, or local law enforcement agencies and the intelligence and security agencies of the federal government are exempt from the provisions of the substitute.

FISCAL NOTE: No impact on state funds in FY 2009, FY 2010, and FY 2011.

PROPOSERS: Supporters of House Bill 1582 say it will prevent automatic dialing announcing device phone calls and allow cell phones, faxes, and texting services to be included on the state's No-call List. Live operator calls will still be allowed.

Supporters of House Bill 1963 say that it will prevent fraud which occurs when a victim of call spoofing reveals financial information because they rely upon a caller ID system that has been tricked into showing the wrong source for the telephone call. The Attorney General's Office receives hundreds of electronic fraud complaints each year.

Testifying for HB 1582 were Representative Pearce; Office of the Attorney General; and AARP-Missouri.

Testifying for HB 1963 were Representative LeVota; Office of the Attorney General; and Missouri Bankers Association.

OPPOSERS: There was no opposition voiced to the committee.