

State of Arkansas
92nd General Assembly
Regular Session, 2019

A Bill

HOUSE BILL 1986

By: Representative Penzo

For An Act To Be Entitled

AN ACT TO AMEND THE LAW PROHIBITING SPOOFING; TO
AMEND THE LAW REGULATING TELECOMMUNICATIONS SERVICE
PROVIDERS AND SPOOFING PROVIDERS; TO DECLARE AN
EMERGENCY; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE LAW PROHIBITING SPOOFING; TO
AMEND THE LAW REGULATING
TELECOMMUNICATIONS SERVICE PROVIDERS AND
SPOOFING PROVIDERS; AND TO DECLARE AN
EMERGENCY.

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

SECTION 1. Arkansas Code § 5-63-205, as enacted by Acts 2019, No. 677,
is amended to read as follows:

5-63-205. Misleading caller identification information – Exemptions –
Penalties.

(a) It is unlawful for a person, in connection with a
telecommunications service, to cause a caller identification service to
transmit misleading or inaccurate caller identification information if the
purpose is to defraud, cause harm, or wrongfully obtain anything of value.

(b) It is unlawful for a person, in connection with a
telecommunications service, to cause a caller identification service to
transmit misleading or inaccurate caller identification information unless
the person has verified that the caller has a right to use the name and the
phone number displayed.



(c) It is unlawful for a telecommunications service to permit or cause a caller identification service or device to display the name or telephone number of the recipient.

(d) It is unlawful for a person to use a third party to display or cause to be displayed a fictitious or misleading name or telephone number on an Arkansas resident's telephone caller identification service for any purpose.

(e) This section does not prohibit:

(1) An authorized activity of a law enforcement agency;

(2) Any investigative, protective, or intelligence activity of a law enforcement agency, including a law enforcement agency of the United States, another state, or a political subdivision of another state, an intelligence agency of the United States, or a protective services shelter or facility, including without limitation a domestic violence shelter, from transmitting or causing to be transmitted, an inaccurate telecommunications number;

(3) A telecommunications service from blocking or restricting the name or phone number from being displayed by caller identification equipment or devices; ~~or~~

(4) Any activity pursuant to a court order that specifically authorizes the use of caller identification manipulation; or

(5) A telecommunications provider or other person from transmitting or causing to be transmitted an inaccurate telecommunications telephone number for a legitimate business purpose.

(f) This section does not apply to a telecommunications provider that complies with § 23-17-122.

~~(f)~~(g) A violation of this section is a Class D felony.

SECTION 2. Arkansas Code § 23-17-122, as enacted by Acts 2019, No. 677, is amended to read as follows:

23-17-122. Annual certification.

(a) As used in this section, "provider" means an entity that provides a telecommunications service, a Voice over Internet Protocol, commonly known as "VoIP", service, a commercial radio service, or a similar service.

~~(b) No later than June 30 annually, a telecommunications provider may seek a determination by~~ Beginning July 1, 2019, and annually thereafter, a

provider shall file with the Arkansas Public Service Commission documentation demonstrating that the telecommunications provider has implemented current and applicable technologies to identify and block telecommunications that violate § 4-88- 107(a)(1), § 4-88-108(a), § 4-99-108(c), or § 4-99-302(b), as applicable, taking into consideration applicable state and federal laws, federal regulations, and costs.

(c)(1) The commission shall promulgate rules necessary to implement this section.

(2)(A) When adopting the initial rules to implement this section, the final rule shall be filed with the Secretary of State for adoption under § 25-15-204(f):

(i) On or before July 1, 2020; or

(ii) If approval under § 10-3-309 has not occurred by July 1, 2020, as soon as practicable after approval under § 10-3-309.

(B) The commission shall file the proposed rule with the Legislative Council under § 10-3-309(c) sufficiently in advance of July 1, 2020, so that the Legislative Council may consider the rule for approval before July 1, 2020.

(d) The commission shall have exclusive jurisdiction to hear and determine all complaints regarding a provider's compliance with this section.

(e) A provider filing documentation under subsection (b) of this section shall be deemed to be in compliance with this section until the provider is subject to a final order issued by the commission finding the provider has failed to implement current and applicable technologies according to subsection (b) of this section.

SECTION 3. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that the practice of illegal robocalls from telemarketers and from others seeking to perpetrate scams on the public to mislead and defraud the public is growing; that addressing misleading and fraudulent spoofing of telephone calls will protect the lives, health, and welfare of the state's residents; and that this act is immediately necessary because the Arkansas Public Service Commission should be immediately authorized to adopt and implement appropriate rules as provided in this act. Therefore, an emergency is declared to exist, and this act being immediately necessary for the preservation of the public peace,

health, and safety shall become effective on:

(1) The date of its approval by the Governor;

(2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or

(3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto.

APPROVED: 4/16/19