

State of Arkansas  
93rd General Assembly  
Regular Session, 2021

# A Bill

SENATE BILL 81

By: Senator J. Dismang  
By: Representative Penzo

## For An Act To Be Entitled

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

## Subtitle

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

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

SECTION 1. Arkansas Code § 23-17-122 is amended to read as follows:  
23-17-122. Annual certification – ~~Definition~~ Definitions.

(a) As used in this section:

(1) "Municipal governing body" means the governing body of a  
municipality;

(2)(A) "Municipal telecommunications service provider" means a  
provider owned or operated by a municipality.

(B) "Municipal telecommunications service provider"  
includes without limitation a provider:

(i) Managed or operated by a nonprofit corporation  
under § 14-199-701 et seq.; and

(ii) Owned or operated by a consolidated utility  
district under the General Consolidated Public Utility System Improvement



District Law, § 14-217-101 et seq.;

(3) "Municipality" means a city of the first class, a city of the second class, or an incorporated town; and

(4) "provider" "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) Beginning July 1, 2019, and annually thereafter, a provider shall file with the Arkansas Public Service Commission and a municipal telecommunications service provider shall file with the municipality documentation demonstrating that the provider or municipal telecommunications service provider has implemented current and applicable technologies to identify and block telecommunications that violate § 4-88-107(a)(11), § 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 for a provider.

~~(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(e) sufficiently in advance of July 1, 2020, so that the Legislative Council may consider the rule for approval before July 1, 2020.~~

(2)(A) A municipal governing body shall promulgate rules necessary to implement this section for a municipal telecommunications service provider.

(B) A municipal governing body shall publish and file rules that are applicable to municipal telecommunications service providers with other records of the municipal governing body.

(d)(1) The Except as provided in subdivision (d)(2) of this section, the commission shall have has exclusive jurisdiction to hear and determine all complaints regarding a provider's compliance with this section.

(2) A municipal governing body has exclusive jurisdiction to hear and determine a complaint regarding a municipal telecommunications service provider's compliance with this section.

(e) A provider filing documentation under subsection (b) of this section ~~shall be deemed to be~~ is 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 2. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that the practice of illegal robocalls from telemarketers seeking to perpetuate scams on the public to mislead and defraud the public is growing; that increased spoofing and robocalls are increasing the threat to the public safety, and municipal telecommunications service providers need to be held accountable to the respective municipal governing bodies concerning the response of municipal telecommunications service providers to illegal robocalls and spoofing; and that this act is immediately necessary because municipal governing bodies need to adopt and implement appropriate rules governing municipal telecommunications service providers to protect residents of this state. 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.