4/18/19 11:09 A.M.

Chapter No. 487
19/SS02/R435SG
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SENATE BILL NO. 2744

Originated in Senate LizWelch Secretary

SENATE BILL NO. 2744

AN ACT TO AMEND SECTION 77-3-803, MISSISSIPPI CODE OF 1972, TO REVISE DEFINITIONS OF CERTAIN TERMS AS USED IN THE CALLER ID ANTI-SPOOFING ACT; TO AMEND SECTION 77-3-805, MISSISSIPPI CODE OF 1972, TO REVISE THE PROHIBITION AGAINST CALLER IDENTIFICATION SPOOFING; TO AMEND SECTIONS 77-3-707 AND 77-3-809, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT A VIOLATION OF THE CALLER ID ANTI-SPOOFING ACT IS A VIOLATION OF THE MISSISSIPPI TELEPHONE SOLICITATION ACT, WHICH SHALL BE IN ADDITION TO ANY OTHER REMEDIES AND PENALTIES AVAILABLE UNDER THE LAW; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 77-3-803, Mississippi Code of 1972, is amended as follows:

77-3-803. As used in this article:

(a) * * * "Automatic number identification" means a system that identifies the billing account for a call and includes an enhanced 911 service capability that enables the automatic display of the ten-digit number used to place a 911 call from a wire line, wireless, interconnected VoIP or nontraditional telephone service.

(b) * * * "Caller identification information" means information provided by a caller identification service regarding

the telephone number, or other origination information, of a call or facsimile transmission made using a telecommunications service or an interconnected VoIP service, or of a text message sent using a text-messaging service.

(c) * * * "Caller identification service" means any service or device designed to provide the user of the service or device with the telephone number of, or other information regarding the origination of, a call made using a telecommunications service or interconnected VoIP service. The term includes automatic number identification services.

(d) * * * "Interconnected VoIP service" means an interconnected Voice over Internet Protocol service that:

(i) Enables real-time, two-way voice communications;

(ii) Requires a broadband internet connection from the user's location;

(iii) Requires internet protocol-compatible customer premises equipment; and

(iv) Permits users generally to receive calls that originate on the public switched telephone network and to terminate calls to the public switched telephone network.

(e) * * * "Place of primary use" means the street address where a subscriber's use of a telecommunications service or interconnected VoIP service primarily occurs, which shall be:

(i) The residential street address or the primary business street address of the subscriber or, in the case of a subscriber of interconnected VoIP service, the subscriber's registered location; and

(ii) Within the licensed service area of the provider.

(f) "Provider" means a person or entity that offers telecommunications service or interconnected VoIP service.

(g) "Registered location" means the most recent information obtained by an interconnected VoIP service provider that identifies the physical location of an end user.

(h) "Subscriber" means a person:

(i) Who subscribes to a caller identification service in connection with a telecommunications service or an interconnected VoIP service; and

(ii) Whose place of primary use for the service described in paragraph (h)(i) is located in Mississippi.

(i) "Telecommunications service" means the offering of telecommunications for a fee directly to the public, or to classes of users so as to be effectively available directly to the public, regardless of the facilities used.

SECTION 2. Section 77-3-805, Mississippi Code of 1972, is amended as follows:

77-3-805. * * * Except as provided in Section 77-3-807, a person * * * shall not, in connection with any telecommunications

service or interconnected VOIP service, knowingly and with the intent to * * * defraud or * * * cause harm to another person or to wrongfully obtain anything of value, cause any caller identification service to transmit misleading or inaccurate caller identification information to a subscriber.

* * *

SECTION 3. Section 77-3-707, Mississippi Code of 1972, is amended as follows:

77-3-707. (1) Except as otherwise provided pursuant to Section 77-3-709 or 77-3-711, a telephone solicitor may not make or cause to be made any telephone solicitation to any consumer in this state unless the telephone solicitor has purchased the "no-calls" database from the commission or the entity under contract with the commission.

(2) Except as otherwise provided pursuant to Section 77-3-709 or 77-3-711, a telephone solicitor may not make or cause to be made any telephone solicitation to any consumer in this state who has given notice to the commission, or the entity under contract with the commission, of his or her objection to receiving telephone solicitations.

(3) The commission, or an entity under contract with the commission, shall establish and operate a "no-calls" database composed of a list of telephone numbers of consumers who have given notice of their objection to receiving telephone solicitations. The "no-calls" database may be operated by the

commission or by another entity under contract with the commission.

(4) Each local exchange company and each competing local exchange carrier shall provide written notification on a semiannual basis to each of its consumers of the opportunity to provide notification to the commission, or the entity under contract with the commission, that the consumer objects to receiving telephone solicitations. The notification must be disseminated at the option of the carrier, by television, radio or newspaper advertisements, written correspondence, bill inserts or messages, a publication in the consumer information pages of the local telephone directory, or any other method not expressly prohibited by the commission.

(5) A telephone solicitor may not violate the Caller ID Anti-Spoofing Act in Section 77-3-801 et seq., and if in violation of such act, he shall also be in violation of this article. In addition to any remedies or penalties otherwise provided by law, such telephone solicitor shall be subject to any remedies or penalties available for a violation of this article.

SECTION 4. Section 77-3-809, Mississippi Code of 1972, is amended as follows:

77-3-809. (1) Any person who violates this article shall be guilty of a misdemeanor and, upon conviction thereof, shall be subject to a fine of not more than One Thousand Dollars

($1,000.00) or shall be imprisoned in the county jail not exceeding one (1) year, or both.

(2) Any violation of this article constitutes an unlawful trade practice under Section 75-24-5 and, in addition to any remedies or penalties set forth in this article, shall be subject to any remedies or penalties available for a violation of that statute.

(3) Any violation of this article constitutes a violation of the Mississippi Telephone Solicitation Act, Section 77-3-701 et seq., and in addition to any remedies or penalties provided in this article, shall be subject to any remedies or penalties available for a violation of that act.

SECTION 5. This act shall take effect and be in force from and after July 1, 2019.

PASSED BY THE SENATE
March 28, 2019

Tate Reeves

PRESIDENT OF THE SENATE

PASSED BY THE HOUSE OF REPRESENTATIVES
March 28, 2019

Philip Gunn

SPEAKER OF THE HOUSE OF REPRESENTATIVES

APPROVED BY THE GOVERNOR

Phil Bryant

GOVERNOR

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