

ARKANSAS SENATE
92nd General Assembly - Regular Session, 2019
Amendment Form

Subtitle of Senate Bill No. 514

TO REGULATE TELECOMMUNICATIONS SERVICE PROVIDERS AND THIRD-PARTY SPOOFING
PROVIDERS.

Amendment No. 1 to Senate Bill 514

Amend Senate Bill No. 514 as originally introduced:

Page 1, delete line 26, and substitute the following:

"SECTION 1. DO NOT CODIFY. Legislative findings and intent.

(a) The General Assembly finds that:

(1) The citizens of this state are being negatively affected by illegal robocalls from telemarketers and from others seeking to perpetrate scams on them;

(2) While these illegal robocalls are frustrating for most, the robocalls are costly and dangerous for far too many Arkansans;

(3) An alarming number of illegal robocalls originate from scammers using automatic telephone dialing systems to send out thousands of phone calls per minute with fictitious or misleading names or telephone numbers displaying on unsuspecting consumers' telephone caller identification service;

(4) These scammers are engaging in insidious schemes and targeting seniors and other vulnerable groups by soliciting personal information such as credit or debit card information and Social security numbers;

(5) Displaying fictitious or misleading names or telephone numbers, or "spoofing", is the predominant means by which a robocaller protects their identities and entices consumers to answer the telephone; and

(6) Spoofing is the gateway for illegal robocalls and scams.

(b) It is the intent of the General Assembly:

(1) To protect the citizens of this state from being spoofed by receiving illegal robocalls from telemarketers and from others seeking to perpetrate scams on unsuspecting or vulnerable citizens;

(2) To provide the citizens of this state who use a caller identification service with accurate information about the identities and locations of callers;

(3) To encourage telecommunications providers to swiftly implement technologies that will allow telecommunications providers to identify and stop illegal calling practices; and



(4) That this act be construed as broadly as possible to ensure that the citizens of this state are protected from the negative impact of illegal robocalls and to ensure that scammers and complicit telecommunications providers are held criminally accountable.

SECTION 2. Arkansas Code § 4-88-107(a)(11), concerning displaying a"

AND

Page 1, line 32, delete "~~does not apply~~" and substitute "does not apply"

AND

Page 1, line 33, delete "applies"

AND

Page 1, line 34, delete "provider" and substitute "provider that complies with § 23-17-122"

AND

Page 1, line 36, delete "SECTION 2" and substitute "SECTION 3"

AND

Page 2, line 13, delete "third-party spoofing provider" and substitute "third party"

AND

Page 2, delete lines 16 through 19, and substitute the following:

"(b) Subdivision (a)(3) of this section does not apply to the transmission of a caller identification service by a telecommunications provider that complies with § 23-17-122."

AND

Page 2, line 21, delete "SECTION 3" and substitute "SECTION 4"

AND

Page 2, line 27, delete "~~does not apply~~ applies" and substitute "does not apply"

AND

Page 2, delete line 29, and substitute the following:

"provider that complies with § 23-17-122."

AND

Page 2, delete lines 31 through 36

AND

Page 3, line 9, delete "~~does not apply~~ applies" and substitute "does not apply"

AND

Page 3, delete line 11, and substitute the following:
"provider that complies with § 23-17-122.

SECTION 6. Arkansas Code § 5-63-204(a)(1), concerning automated telephone solicitation, is amended to read as follows:

(a)(1) It is unlawful for any person to use a telephone for the purpose of offering any goods or services for sale, or for conveying information regarding any goods or services for the purpose of soliciting the sale or purchase of the goods or services, ~~or for soliciting information, gathering data, or for any other purpose in connection with a political campaign~~ when the use involves an automated system for the selection and dialing of telephone numbers and the playing of recorded messages when a message is completed to the called number."

AND

Page 3, line 13, delete "SECTION 6" and substitute "SECTION 7"

AND

Page 3, line 19, delete "SECTION 7" and substitute "SECTION 8"

AND

Page 3, delete lines 23 through 26

AND

Page 3, line 27, delete "(b)" and substitute "(a)"

AND

Page 3, line 31, delete "(c)" and substitute "(b)"

AND

Page 3, line 36, delete "(d)" and substitute "(c)"

AND

Page 4, delete lines 2 through 4, and substitute the following:

"number of the recipient.

(d) It is unlawful for a person to use a third party"

AND

Page 4, line 8, delete "(f)" and substitute "(e)"

AND

Page 4, delete line 22, and substitute the following:

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

SECTION 9. Arkansas Code Title 23, Chapter 17, Subchapter 1, is amended to add an additional section to read as follows:

23-17-122. Annual certification.

No later than June 30 annually, a telecommunications provider may seek a determination by the Arkansas Public Service Commission 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."

The Amendment was read the first time, rules suspended and read the second time and _____

By: Senator J. Dismang

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Secretary