

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019
4

A Bill

HOUSE BILL 1986

5 By: Representative Penzo
6

For An Act To Be Entitled

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

14 TO AMEND THE LAW PROHIBITING SPOOFING; TO
15 AMEND THE LAW REGULATING
16 TELECOMMUNICATIONS SERVICE PROVIDERS AND
17 SPOOFING PROVIDERS; AND TO DECLARE AN
18 EMERGENCY.
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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24 SECTION 1. Arkansas Code § 5-63-205, as enacted by Acts 2019, No. 677,
25 is amended to read as follows:

26 5-63-205. Misleading caller identification information – Exemptions –
27 Penalties.

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

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



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

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

8 (e) This section does not prohibit:

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

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

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

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

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

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

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

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 29 SECTION 2. Arkansas Code § 23-17-122, as enacted by Acts 2019, No.
 30 677, is amended to read as follows:

31 23-17-122. Annual certification.

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

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

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

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

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

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

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

15 (B) The commission shall file the proposed rule with the
16 Legislative Council under § 10-3-309(c) sufficiently in advance of July 1,
17 2020, so that the Legislative Council may consider the rule for approval
18 before July 1, 2020.

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

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

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

1 health, and safety shall become effective on:

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

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

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

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