

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

A Bill

SENATE BILL 514

5 By: Senator J. Dismang
6 By: Representative Penzo
7

For An Act To Be Entitled

9 AN ACT TO REGULATE TELECOMMUNICATIONS SERVICE
10 PROVIDERS AND THIRD-PARTY SPOOFING PROVIDERS; TO
11 REQUIRE THAT A TELECOMMUNICATIONS SERVICE PROVIDER
12 AND THIRD-PARTY SPOOFING PROVIDER ARE HELD
13 ACCOUNTABLE FOR CERTAIN ACTIVITIES; TO IMPOSE
14 CRIMINAL PENALTIES ON CERTAIN SPOOFING ACTIVITIES;
15 AND FOR OTHER PURPOSES.
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Subtitle

18 TO REGULATE TELECOMMUNICATIONS SERVICE
19 PROVIDERS AND THIRD-PARTY SPOOFING
20 PROVIDERS.
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24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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26 SECTION 1. Arkansas Code § 4-88-107(a)(11), concerning displaying a
27 fictitious or misleading name or telephone number, is amended to read as
28 follows:

29 (11)(A) Displaying or causing to be displayed a fictitious or
30 misleading name or telephone number on an Arkansas resident's telephone
31 caller identification service.

32 (B) Subdivision (a)(11)(A) of this section ~~does not apply~~
33 applies to the transmission of a caller identification service by a
34 telecommunications provider.
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36 SECTION 2. Arkansas Code § 4-88-108 is amended to read as follows:



1 4-88-108. Concealment, suppression, or omission of material facts.

2 (a) When utilized in connection with the sale or advertisement of any
3 goods, services, or charitable solicitation, the following ~~shall be~~ is
4 unlawful:

5 (1) The act, use, or employment by ~~any~~ a person of any
6 deception, fraud, or false pretense; ~~or~~

7 (2) The concealment, suppression, or omission of any material
8 fact with intent that others rely upon the concealment, suppression, or
9 omission;

10 (3) Displaying or causing to be displayed a fictitious or
11 misleading name or telephone number on an Arkansas resident's caller
12 identification service; or

13 (4) Using a third-party spoofing provider to display or cause to
14 be displayed a fictitious or misleading name or telephone number on an
15 Arkansas resident's caller identification service.

16 (b) As used in this section, "third-party spoofing provider" means a
17 service other than a telecommunications service provider that allows a caller
18 to alter the name and number displayed on the recipient's caller
19 identification service.

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21 SECTION 3. Arkansas Code § 4-99-108(c), concerning information to be
22 provided to each prospective purchaser, is amended to read as follows:

23 (c)(1) ~~No telephonic seller under this section~~ A person making or
24 transmitting a telephone solicitation shall not display or cause to be
25 displayed a fictitious or misleading name or telephone number on an Arkansas
26 resident's telephone caller identification service.

27 (2) Subdivision (c)(1) of this section ~~does not apply~~ applies to
28 the transmission of caller identification service by a telecommunications
29 provider.

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31 SECTION 4. Arkansas Code § 4-99-301(1), concerning the definition of
32 "caller identification service" as used in caller identification blocking by
33 telephonic sellers, is amended to read as follows:

34 (1) "Caller identification service" means a service offered by a
35 telecommunications ~~utility~~ provider that provides caller identification
36 information to a device capable of displaying the information;

1
2 SECTION 5. Arkansas Code § 4-99-302(b), concerning prohibitions as
3 used concerning caller identification blocking by telephonic sellers, is
4 amended to read as follows:

5 (b)(1) It is a violation of this subchapter for ~~any~~ a person making or
6 transmitting a telephone solicitation by any method to display or cause to be
7 displayed a fictitious or misleading name or telephone number on an Arkansas
8 resident's telephone caller identification service.

9 (2) Subdivision (b)(1) of this section ~~does not apply~~ applies to
10 the transmission of caller identification service by a telecommunications
11 provider.

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

15 (b) ~~Any~~ A person who violates ~~any provision of~~ this section upon
16 conviction is guilty of a ~~Class B misdemeanor and shall be punished~~
17 ~~accordingly~~ Class D felony.

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19 SECTION 7. Arkansas Code Title 5, Chapter 63, Subchapter 2, is amended
20 to add an additional section to read as follows:

21 5-63-205. Misleading caller identification information - Exemptions -
22 Penalties.

23 (a) As used in this section, "third-party spoofing provider" means a
24 service other than a telecommunications service provider that allows a caller
25 to alter the name and number displayed on the recipient's caller
26 identification service.

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

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

36 (d) It is unlawful for a telecommunications service to permit or cause

1 a caller identification service or device to display the name or telephone
2 number of the recipient and the telecommunications service provider shall
3 automatically block all calls displaying the name or number of the recipient.

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

8 (f) 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.

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

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