

1 State of Arkansas
2 93rd General Assembly
3 Regular Session, 2021
4

A Bill

SENATE BILL 81

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

For An Act To Be Entitled

9 AN ACT TO AMEND THE LAW PROHIBITING SPOOFING; TO
10 REGULATE MUNICIPAL TELECOMMUNICATIONS SERVICE
11 PROVIDERS; TO DECLARE AN EMERGENCY; AND FOR OTHER
12 PURPOSES.
13

Subtitle

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16 TO AMEND THE LAW PROHIBITING SPOOFING; TO
17 REGULATE MUNICIPAL TELECOMMUNICATIONS
18 SERVICE PROVIDERS; AND TO DECLARE AN
19 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 § 23-17-122 is amended to read as follows:
25 23-17-122. Annual certification – ~~Definition~~ Definitions.

26 (a) As used in this section:

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

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

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

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

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



1 District Law, § 14-217-101 et seq.;

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

4 (4) "provider" "Provider" means an entity that provides a
5 telecommunications service, a Voice over Internet Protocol, commonly known as
6 "VoIP", service, a commercial radio service, or a similar service.

7 (b) Beginning July 1, 2019, and annually thereafter, a provider shall
8 file with the Arkansas Public Service Commission and a municipal
9 telecommunications service provider shall file with the municipality
10 documentation demonstrating that the provider or municipal telecommunications
11 service provider has implemented current and applicable technologies to
12 identify and block telecommunications that violate § 4-88-107(a)(11), § 4-88-
13 108(a), § 4-99-108(c), or § 4-99-302(b), as applicable, taking into
14 consideration applicable state and federal laws, federal regulations, and
15 costs.

16 (c)(1) The commission shall promulgate rules necessary to implement
17 this section for a provider.

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

21 ~~(i) On or before July 1, 2020; or~~

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

24 ~~(B) The commission shall file the proposed rule with the~~
25 ~~Legislative Council under § 10-3-309(c) sufficiently in advance of July 1,~~
26 ~~2020, so that the Legislative Council may consider the rule for approval~~
27 ~~before July 1, 2020.~~

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

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

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

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

4 (e) A provider filing documentation under subsection (b) of this
5 section ~~shall be deemed to be~~ is in compliance with this section until the
6 provider is subject to a final order issued by the commission finding the
7 provider has failed to implement current and applicable technologies
8 according to subsection (b) of this section.

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10 SECTION 2. EMERGENCY CLAUSE. It is found and determined by the
11 General Assembly of the State of Arkansas that the practice of illegal
12 robocalls from telemarketers seeking to perpetuate scams on the public to
13 mislead and defraud the public is growing; that increased spoofing and
14 robocalls are increasing the threat to the public safety, and municipal
15 telecommunications service providers need to be held accountable to the
16 respective municipal governing bodies concerning the response of municipal
17 telecommunications service providers to illegal robocalls and spoofing; and
18 that this act is immediately necessary because municipal governing bodies
19 need to adopt and implement appropriate rules governing municipal
20 telecommunications service providers to protect residents of this state.
21 Therefore, an emergency is declared to exist, and this act being immediately
22 necessary for the preservation of the public peace, health, and safety shall
23 become effective on:

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

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

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