

SECOND REGULAR SESSION

HOUSE BILL NO. 1488

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE PORTER.

3831H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 407.1095, 407.1098, 407.1101, 407.1104, and 620.2456, RSMo, and to enact in lieu thereof seven new sections relating to telecommunications, with penalty provisions.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 407.1095, 407.1098, 407.1101, 407.1104, and 620.2456, RSMo, are repealed and seven new sections enacted in lieu thereof, to be known as sections 407.1095, 407.1098, 407.1101, 407.1104, 407.1115, 620.2456, and 620.2460, to read as follows:

407.1095. As used in sections 407.1095 to 407.1110, the following words and phrases mean:

(1) **"Business subscriber", a person who or an entity that, for business use, has subscribed to telephone service, wireless service, or other similar service;**

(2) **"Call spoofing", the practice by a calling party or any caller identification service of knowingly transmitting misleading or inaccurate caller identification information with the intent to defraud, cause harm, harass, or wrongfully obtain anything of value;**

(3) "Caller identification service", a type of telephone service which permits telephone subscribers to see the telephone number of incoming telephone calls;

~~(2)~~ (4) "Residential subscriber", a person who, for ~~primarily~~ personal and familial use, has subscribed to residential telephone service, wireless service or similar service, or the other persons living or residing with such person;

EXPLANATION — Matter enclosed in bold-faced brackets ~~thus~~ in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

14 ~~[(3)]~~ (5) "Telephone solicitation", any voice, facsimile, short messaging service
15 (SMS), or multimedia messaging service (MMS), for the purpose of encouraging the
16 purchase or rental of, or investment in, property, goods or services, but does not include
17 communications:

18 (a) To any **business subscriber or** residential subscriber with that subscriber's prior
19 express invitation or permission;

20 (b) By or on behalf of any person or entity with whom a **business subscriber or**
21 residential subscriber has had a business contact within the past one hundred eighty days or a
22 current business or personal relationship;

23 (c) By or on behalf of an entity organized pursuant to Chapter 501 (c)(3) of the United
24 States Internal Revenue Code, while such entity is engaged in fund-raising to support the
25 charitable purpose for which the entity was established provided that a bona fide member of
26 such exempt organization makes the voice communication;

27 (d) By or on behalf of any entity over which a federal agency has regulatory authority
28 to the extent that:

29 a. Subject to such authority, the entity is required to maintain a license, permit or
30 certificate to sell or provide the merchandise being offered through telemarketing; and

31 b. The entity is required by law or rule to develop and maintain a no-call list;

32 (e) By a natural person responding to a referral, or working from his or her primary
33 residence, or a person licensed by the state of Missouri to carry out a trade, occupation or
34 profession who is setting or attempting to set an appointment for actions relating to that
35 licensed trade, occupation or profession within the state or counties contiguous to the state.

407.1098. No person or entity shall make or cause to be made any telephone
2 solicitation, **including via call spoofing**, to any **business subscriber or** residential subscriber
3 in this state who has given notice to the attorney general, in accordance with rules
4 promulgated pursuant to section 407.1101 of such subscriber's objection to receiving
5 telephone solicitations.

407.1101. 1. The attorney general shall establish and provide for the operation of a
2 database to compile a list of telephone numbers of **business subscribers and** residential
3 subscribers who object to receiving telephone solicitations. ~~[Such list is not intended to
4 include any telephone number primarily used for business or commercial purposes.]~~

5 2. The attorney general shall promulgate rules and regulations governing the
6 establishment of a state no-call database as he or she deems necessary and appropriate to fully
7 implement the provisions of sections 407.1095 to 407.1110. The rules and regulations shall
8 include those which:

9 (1) Specify the methods by which each **business subscriber or** residential subscriber
10 may give notice to the attorney general or its contractor of his or her objection to receiving

11 such solicitations or revocation of such notice. There shall be no cost to the subscriber for
12 joining the database;

13 (2) Specify the length of time for which a notice of objection shall be effective and
14 the effect of a change of telephone number on such notice;

15 (3) Specify the methods by which such objections and revocations shall be collected
16 and added to the database;

17 (4) **Specify that once a person gives notice of objection, the person shall not have**
18 **to renew his or her objection;**

19 (5) Specify the methods by which any person or entity desiring to make telephone
20 solicitations will obtain access to the database as required to avoid calling the telephone
21 numbers of **business subscribers or** residential subscribers included in the database,
22 including the cost assessed to that person or entity for access to the database; **and**

23 ~~[(5)]~~ (6) Specify such other matters relating to the database that the attorney general
24 deems desirable.

25 3. If the Federal Communications Commission establishes a single national database
26 of telephone numbers of subscribers who object to receiving telephone solicitations pursuant
27 to 47 U.S.C. Section 227(c)(3), the attorney general shall include that part of such single
28 national database that relates to Missouri in the database established pursuant to this section.

29 4. Information contained in the database established pursuant to this section shall be
30 used only for the purpose of compliance with section 407.1098 and this section or in a
31 proceeding or action pursuant to section 407.1107. Such information shall not be considered
32 a public record pursuant to chapter 610.

33 5. In April, July, October and January of each year, the attorney general shall be
34 encouraged to obtain subscription listings of **business subscribers and** residential
35 subscribers in this state who have arranged to be included on any national do-not-call list
36 and add those telephone numbers to the state do-not-call list.

37 6. The attorney general may utilize moneys appropriated from general revenue and
38 moneys appropriated from the merchandising practices revolving fund established in section
39 407.140 for the purposes of establishing and operating the state no-call database.

40 7. Any rule or portion of a rule, as that term is defined in section 536.010, that is
41 created under the authority delegated in sections 407.1095 to 407.1110 shall become effective
42 only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable,
43 section 536.028. This section and chapter 536 are nonseverable and if any of the powers
44 vested with the general assembly pursuant to chapter 536 to review, to delay the effective date
45 or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of
46 rulemaking authority and any rule proposed or adopted after August 28, 2000, shall be invalid
47 and void.

407.1104. 1. Any person or entity who makes a telephone solicitation to any
2 **business subscriber or** residential subscriber in this state shall, at the beginning of such
3 solicitation, state clearly the identity of the person or entity initiating the solicitation.

4 2. No person or entity who makes a telephone solicitation to a **business subscriber**
5 **or** residential subscriber in this state shall knowingly use any method, **including call**
6 **spoofing**, to block or otherwise circumvent any subscriber's use of a caller identification
7 service.

407.1115. 1. This section shall be known and may be cited as the "**Caller ID**
2 **Anti-Spoofing Act**".

3 2. As used in this section, the following terms mean:

4 (1) "**Call**", any telephone call, facsimile, or text message made using a public
5 switched telephone network, wireless cellular telephone service, or voice-over-internet
6 protocol (VoIP) service that has the capability of accessing users on the public switched
7 telephone network or a successor network;

8 (2) "**Caller**", a person who or an entity that places a call, facsimile, or text
9 message, whether by telephone or computer;

10 (3) "**Caller identification information**", information provided by a caller
11 identification service regarding the telephone number or other origination information
12 of a call or facsimile transmission made using a telecommunications service or an
13 interconnected VoIP service or of a text message sent using a text-messaging service;

14 (4) "**Caller identification service**", any service or device designed to provide the
15 user of the service or device with the telephone number or other origination information
16 of a call or facsimile transmission made using a telecommunications service or an
17 interconnected VoIP service or of a text message sent using a text-messaging service.
18 "**Caller identification service**" includes automatic number identification services.

19 3. A caller commits the offense of caller identification spoofing if the caller:

20 (1) Enters or causes to be entered false information into a caller identification
21 service with the intent to deceive, defraud, or mislead the recipient of a call to obtain
22 anything of value; or

23 (2) Places a call knowing that false information was entered into the caller
24 identification service with the intent to deceive, defraud, or mislead the recipient of the
25 call.

26 4. The offense of unlawful caller identification spoofing shall be a class E felony.

27 5. This section shall not apply to:

28 (1) The blocking of caller identification information;

29 (2) Any law enforcement agency of the federal, state, county, or municipal
30 government;

31 (3) Any intelligence or security agency of the federal government; or

32 (4) A communications service provider, including a telecommunications,
33 broadband, or voice-over-internet service provider, that:

34 (a) Acts in the communications service provider's capacity as an intermediary
35 for the transmission of telephone service between the caller and the recipient;

36 (b) Provides or configures a service or service feature as requested by the
37 customer;

38 (c) Acts in a manner that is authorized or required by applicable law; or

39 (d) Engages in other conduct that is necessary to provide service.

40 6. The recipient of any call in which the caller uses false caller identification
41 information shall have standing to recover actual and punitive damages against the
42 caller. Punitive damages shall be in an amount determined by the court but not to
43 exceed five thousand dollars per call. Call recipients may bring action under this section
44 as members of a class. The attorney general may initiate legal proceedings or intervene
45 in legal proceedings on behalf of call recipients and, if the caller is found guilty, shall
46 recover all costs of the investigation and prosecution of the action.

620.2456. 1. The department of economic development shall not award any grant to
2 an otherwise eligible grant applicant where funding from the Connect America Fund or
3 Rural Digital Opportunity Fund has been awarded, where high-cost support from the
4 federal Universal Service Fund has been received by rate of return carriers, or where any
5 other federal funding has been awarded which did not require any matching-fund component,
6 for any portion of the proposed project area, nor shall any grant money be used to serve any
7 retail end user that already has access to wireline or fixed wireless broadband internet service
8 of speeds of at least twenty-five megabits per-second download and three megabits per-
9 second upload.

10 2. No grant awarded under sections 620.2450 to 620.2458, when combined with any
11 federal, state, or local funds, shall fund more than fifty percent of the total cost of a project.

12 3. No single project shall be awarded grants under sections 620.2450 to 620.2458
13 whose cumulative total exceeds five million dollars.

14 4. The department of economic development shall endeavor to award grants under
15 sections 620.2450 to 620.2458 to qualified applicants in all regions of the state.

16 5. An award granted under sections 620.2450 to 620.2458 shall not:

17 (1) Require an open access network;

18 (2) Impose rates, terms, and conditions that differ from what a provider offers in other
19 areas of its service area;

20 (3) Impose any rate, service, or any other type of regulation beyond speed
21 requirements set forth in section 620.2451; or

22 (4) Impose an unreasonable time constraint on the time to build the service.

23 6. If a grant recipient fails to establish the speed requirements set forth in section
24 620.2451, then the grant recipient shall return all grant moneys to the department.

620.2460. 1. Federal funds received by the state or a political subdivision, city, town, or village through the American Rescue Plan Act of 2021 or any other federally passed COVID-19 relief legislation appropriated specifically for the construction of broadband internet infrastructure shall be in or otherwise serve an "unserved area" or "underserved area", as such terms are defined in section 620.2450, and such project shall provide or support the provision of broadband internet service at speeds of at least twenty-five megabits per-second download and three megabits per-second upload, but that is scalable to higher speeds.

9 **2. Prior to a political subdivision, city, town, or village authorizing an expenditure for the construction of broadband infrastructure, the office of broadband development shall certify that the project is located within an "unserved area" or "underserved area", as such terms are defined in section 620.2450.**

13 **3. When the office of broadband development receives a request from a political subdivision, city, town, or village to certify that a project is in an "unserved area" or "underserved area", as such terms are defined in section 620.2450, the office shall notify each internet service provider that offers service within the census block the project will be located prior to the certification of the project.**

18 **4. A broadband internet service provider that provides existing service within the census block the project will be located may submit to the department of economic development, within forty-five days of notification by the office of broadband development, a written challenge to an application. Such challenge shall contain information demonstrating that:**

23 **(1) The provider currently provides broadband internet service to retail customers within the proposed unserved or underserved area;**

25 **(2) The provider has taken affirmative steps to begin the process of construction to provide broadband internet service to retail customers within the proposed unserved or underserved area; or**

28 **(3) The provider has been designated funding through federal programs to support the deployment or expansion of broadband networks in the proposed unserved or underserved area.**

31 **5. Within five business days of the submission of a written challenge, the department of economic development shall notify the political subdivision, city, town, or village.**

34 **6. The department of economic development shall evaluate each challenge**
35 **submitted under this section. If the department determines the challenge to be valid, the**
36 **project shall not be considered to be in an "unserved area" or "underserved area", and**
37 **the expenditure by the political subdivision, city, town, or village shall be prohibited.**
38 **However, an area shall be considered an unserved or underserved area if the federal**
39 **funding award supporting a challenge under subdivision (3) of subsection 4 of this**
40 **section is forfeited or upon disqualification of the recipient entity awarded federal**
41 **funding for that geographic area.**

✓