

By: Senator(s) Doty, Dearing, Michel, Parks, To: Energy
Younger, Hill, Branning, Moran, Massey

SENATE BILL NO. 2744
(As Passed the Senate)

1 AN ACT TO AMEND SECTION 77-3-803, MISSISSIPPI CODE OF 1972,
2 TO REVISE DEFINITIONS OF CERTAIN TERMS AS USED IN THE CALLER ID
3 ANTI-SPOOFING ACT; TO AMEND SECTION 77-3-805, MISSISSIPPI CODE OF
4 1972, TO REVISE THE PROHIBITION AGAINST CALLER IDENTIFICATION
5 SPOOFING; TO CREATE NEW SECTION 77-3-811, MISSISSIPPI CODE OF
6 1972, TO CREATE A PRIVATE RIGHT OF ACTION FOR DAMAGES AND
7 INJUNCTIVE RELIEF; AND FOR RELATED PURPOSES.

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

9 **SECTION 1.** Section 77-3-803, Mississippi Code of 1972, is
10 amended as follows:

11 77-3-803. As used in this article:

12 (a) * * * "Automatic number identification" means a
13 system that identifies the billing account for a call and includes
14 an enhanced 911 service capability that enables the automatic
15 display of the ten-digit number used to place a 911 call from a
16 wire line, wireless, interconnected VoIP or nontraditional
17 telephone service.

18 (b) * * * "Caller identification information" means
19 information provided by a caller identification service regarding
20 the telephone number, or other origination information, of a call



21 or facsimile transmission made using a telecommunications service
22 or an interconnected VoIP service, or of a text message sent using
23 a text-messaging service.

24 (c) * * * "Caller identification service" means any
25 service or device designed to provide the user of the service or
26 device with the telephone number of, or other information
27 regarding the origination of, a call made using a
28 telecommunications service or interconnected VoIP service. The
29 term includes automatic number identification services.

30 (d) * * * "Interconnected VoIP service" means an
31 interconnected Voice over Internet Protocol service that:

32 (i) Enables real-time, two-way voice
33 communications;

34 (ii) Requires a broadband internet connection from
35 the user's location;

36 (iii) Requires internet protocol-compatible
37 customer premises equipment; and

38 (iv) Permits users generally to receive calls that
39 originate on the public switched telephone network and to
40 terminate calls to the public switched telephone network.

41 (e) * * * "Place of primary use" means the street
42 address where a subscriber's use of a telecommunications service
43 or interconnected VoIP service primarily occurs, which shall be:

44 (i) The residential street address or the primary
45 business street address of the subscriber or, in the case of a



46 subscriber of interconnected VoIP service, the subscriber's
47 registered location; and

48 (ii) Within the licensed service area of the
49 provider.

50 (f) "Provider" means a person or entity that offers
51 telecommunications service or interconnected VoIP service.

52 (g) "Registered location" means the most recent
53 information obtained by an interconnected VoIP service provider
54 that identifies the physical location of an end user.

55 (h) "Subscriber" means a person:

56 (i) Who subscribes to a caller identification
57 service in connection with a telecommunications service or an
58 interconnected VoIP service; and

59 (ii) Whose place of primary use for the service
60 described in paragraph (h) (i) is located in Mississippi.

61 (i) "Telecommunications service" means the offering of
62 telecommunications for a fee directly to the public, or to classes
63 of users so as to be effectively available directly to the public,
64 regardless of the facilities used.

65 **SECTION 2.** Section 77-3-805, Mississippi Code of 1972, is
66 amended as follows:

67 77-3-805. * * * Except as provided in Section 77-3-807, a
68 person * * * shall not, in connection with any telecommunications
69 service or interconnected VOIP service, knowingly and with the
70 intent to * * * defraud or * * * cause harm to another person or



71 to wrongfully obtain anything of value, cause any caller
72 identification service to transmit misleading or inaccurate caller
73 identification information to a subscriber.

74 * * *

75 **SECTION 3.** The following shall be codified as Section
76 77-3-811, Mississippi Code of 1972:

77 77-3-811. (1) Except as provided in Section 77-3-807 and
78 subsection (3) of this section, any person who is aggrieved by a
79 violation of this article may bring an action for the recovery of
80 the person's actual damages, punitive damages, court costs and
81 attorney's fees, against any person:

82 (a) Responsible for; or

83 (b) Who knowingly participated in;

84 the violation. An action under this subsection may be brought in
85 the circuit court of the aggrieved person's county of residence or
86 principal place of business in Mississippi.

87 (2) Upon petition by any person that another person has
88 violated this article, the circuit court of the petitioner's
89 county of residence or principal place of business in Mississippi
90 may enjoin the respondent from further violations. The injunctive
91 relief available under this subsection is in addition to any
92 damages to which a person may be entitled under subsection (1) of
93 this section.

94 (3) A person does not have a cause of action against a
95 provider for a violation of this article unless the violation



96 resulted from the provider's gross negligence or intentional
97 wrongdoing.

98 **SECTION 4.** This act shall take effect and be in force from
99 and after July 1, 2019.

