

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

SENATE BILL NO. 2744
(As Sent to Governor)

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 AMEND SECTIONS 77-3-707 AND 77-3-809, MISSISSIPPI
6 CODE OF 1972, TO PROVIDE THAT A VIOLATION OF THE CALLER ID
7 ANTI-SPOOFING ACT IS A VIOLATION OF THE MISSISSIPPI TELEPHONE
8 SOLICITATION ACT, WHICH SHALL BE IN ADDITION TO ANY OTHER REMEDIES
9 AND PENALTIES AVAILABLE UNDER THE LAW; AND FOR RELATED PURPOSES.

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

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

13 77-3-803. As used in this article:

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

20 (b) * * * "Caller identification information" means
21 information provided by a caller identification service regarding



22 the telephone number, or other origination information, of a call
23 or facsimile transmission made using a telecommunications service
24 or an interconnected VoIP service, or of a text message sent using
25 a text-messaging service.

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

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

34 (i) Enables real-time, two-way voice
35 communications;

36 (ii) Requires a broadband internet connection from
37 the user's location;

38 (iii) Requires internet protocol-compatible
39 customer premises equipment; and

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

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



46 (i) The residential street address or the primary
47 business street address of the subscriber or, in the case of a
48 subscriber of interconnected VoIP service, the subscriber's
49 registered location; and

50 (ii) Within the licensed service area of the
51 provider.

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

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

57 (h) "Subscriber" means a person:

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

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

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

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

69 77-3-805. * * * Except as provided in Section 77-3-807, a
70 person * * * shall not, in connection with any telecommunications



71 service or interconnected VOIP service, knowingly and with the
72 intent to * * * defraud or * * * cause harm to another person or
73 to wrongfully obtain anything of value, cause any caller
74 identification service to transmit misleading or inaccurate caller
75 identification information to a subscriber.

76 * * *

77 **SECTION 3.** Section 77-3-707, Mississippi Code of 1972, is
78 amended as follows:

79 77-3-707. (1) Except as otherwise provided pursuant to
80 Section 77-3-709 or 77-3-711, a telephone solicitor may not make
81 or cause to be made any telephone solicitation to any consumer in
82 this state unless the telephone solicitor has purchased the
83 "no-calls" database from the commission or the entity under
84 contract with the commission.

85 (2) Except as otherwise provided pursuant to Section
86 77-3-709 or 77-3-711, a telephone solicitor may not make or cause
87 to be made any telephone solicitation to any consumer in this
88 state who has given notice to the commission, or the entity under
89 contract with the commission, of his or her objection to receiving
90 telephone solicitations.

91 (3) The commission, or an entity under contract with the
92 commission, shall establish and operate a "no-calls" database
93 composed of a list of telephone numbers of consumers who have
94 given notice of their objection to receiving telephone
95 solicitations. The "no-calls" database may be operated by the



96 commission or by another entity under contract with the
97 commission.

98 (4) Each local exchange company and each competing local
99 exchange carrier shall provide written notification on a
100 semiannual basis to each of its consumers of the opportunity to
101 provide notification to the commission, or the entity under
102 contract with the commission, that the consumer objects to
103 receiving telephone solicitations. The notification must be
104 disseminated at the option of the carrier, by television, radio or
105 newspaper advertisements, written correspondence, bill inserts or
106 messages, a publication in the consumer information pages of the
107 local telephone directory, or any other method not expressly
108 prohibited by the commission.

109 (5) A telephone solicitor may not violate the Caller ID
110 Anti-Spoofing Act in Section 77-3-801 et seq., and if in violation
111 of such act, he shall also be in violation of this article. In
112 addition to any remedies or penalties otherwise provided by law,
113 such telephone solicitor shall be subject to any remedies or
114 penalties available for a violation of this article.

115 **SECTION 4.** Section 77-3-809, Mississippi Code of 1972, is
116 amended as follows:

117 77-3-809. (1) Any person who violates this article shall be
118 guilty of a misdemeanor and, upon conviction thereof, shall be
119 subject to a fine of not more than One Thousand Dollars



120 (\$1,000.00) or shall be imprisoned in the county jail not
121 exceeding one (1) year, or both.

122 (2) Any violation of this article constitutes an unlawful
123 trade practice under Section 75-24-5 and, in addition to any
124 remedies or penalties set forth in this article, shall be subject
125 to any remedies or penalties available for a violation of that
126 statute.

127 (3) Any violation of this article constitutes a violation of
128 the Mississippi Telephone Solicitation Act, Section 77-3-701 et
129 seq., and in addition to any remedies or penalties provided in
130 this article, shall be subject to any remedies or penalties
131 available for a violation of that act.

132 **SECTION 5.** This act shall take effect and be in force from
133 and after July 1, 2019.

