

By: Representatives Currie, Sykes, Bounds,
Miles, Haney, Gibbs (72nd)

To: Public Utilities

HOUSE BILL NO. 763

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

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

7 **SECTION 1.** Section 77-3-707, Mississippi Code of 1972, is
8 amended as follows:

9 77-3-707. (1) Except as otherwise provided pursuant to
10 Section 77-3-709 or 77-3-711, a telephone solicitor may not make
11 or cause to be made any telephone solicitation to any consumer in
12 this state unless the telephone solicitor has purchased the
13 "no-calls" database from the commission or the entity under
14 contract with the commission.

15 (2) Except as otherwise provided pursuant to Section
16 77-3-709 or 77-3-711, a telephone solicitor may not make or cause
17 to be made any telephone solicitation to any consumer in this
18 state who has given notice to the commission, or the entity under



19 contract with the commission, of his or her objection to receiving
20 telephone solicitations.

21 (3) The commission, or an entity under contract with the
22 commission, shall establish and operate a "no-calls" database
23 composed of a list of telephone numbers of consumers who have
24 given notice of their objection to receiving telephone
25 solicitations. The "no-calls" database may be operated by the
26 commission or by another entity under contract with the
27 commission.

28 (4) Each local exchange company and each competing local
29 exchange carrier shall provide written notification on a
30 semiannual basis to each of its consumers of the opportunity to
31 provide notification to the commission or the entity under
32 contract with the commission, that the consumer objects to
33 receiving telephone solicitations. The notification must be
34 disseminated at the option of the carrier, by television, radio or
35 newspaper advertisements, written correspondence, bill inserts or
36 messages, a publication in the consumer information pages of the
37 local telephone directory, or any other method not expressly
38 prohibited by the commission.

39 (5) A telephone solicitor may not violate the Caller ID
40 Anti-Spoofing Act in Section 77-3-801 et seq., and if in violation
41 of such act, shall be in violation of the Mississippi Telephone
42 Solicitation Act. In addition to any remedies or penalties
43 otherwise set forth under law, such telephone solicitor shall be



44 subject to any remedies or penalties available for a violation of
45 this act.

46 **SECTION 2.** Section 77-3-809, Mississippi Code of 1972, is
47 amended as follows:

48 77-3-809. (1) Any person who violates this article shall be
49 guilty of a misdemeanor and, upon conviction thereof, shall be
50 subject to a fine of not more than One Thousand Dollars
51 (\$1,000.00) or shall be imprisoned in the county jail not
52 exceeding one (1) year, or both.

53 (2) Any violation of this article constitutes an unlawful
54 trade practice under Section 75-24-5 and, in addition to any
55 remedies or penalties set forth in this article, shall be subject
56 to any remedies or penalties available for a violation of that
57 statute.

58 (3) Any violation of this article constitutes a violation of
59 the Mississippi Telephone Solicitation Act in Section 77-3-701 et
60 seq., and in addition to any remedies or penalties set forth in
61 this article, shall be subject to any remedies or penalties
62 available for a violation of that act.

63 **SECTION 3.** This act shall take effect and be in force from
64 and after July 1, 2019.

