

FIRST REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 144
100TH GENERAL ASSEMBLY

Reported from the Committee on General Laws, April 4, 2019, with recommendation that the Senate Committee Substitute do pass.

0717S.03C

ADRIANE D. CROUSE, Secretary.

AN ACT

To repeal sections 407.1095, 407.1098, and 407.1104, RSMo, and to enact in lieu thereof three new sections relating to call spoofing.

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

Section A. Sections 407.1095, 407.1098, and 407.1104, RSMo, are repealed
2 and three new sections enacted in lieu thereof, to be known as sections 407.1095,
3 407.1098, and 407.1104, to read as follows:

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

3 (1) "Call spoofing", the practice of failing to transmit or cause to
4 be transmitted the true telephone number, and, when made available
5 by the telemarketer's carrier, the name of the telemarketer, to any
6 caller identification service in use by a recipient of a telemarketing
7 call; provided that the name of the seller or charitable organization on
8 behalf of which a telemarketing call is placed, and the seller's or
9 charitable organization's telephone number, which is answered during
10 regular business hours, may be substituted for the name and phone
11 number used in, or billed for, making the call;

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

15 [(2)] (3) "Residential subscriber", a person who, for primarily personal
16 and familial use, has subscribed to residential telephone service, wireless service
17 or similar service, or the other persons living or residing with such person;

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

18 [(3)] (4) "Seller", the same as defined in section 407.1070;

19 (5) "Telemarketer", the same as defined in section 407.1070;

20 (6) "Telephone solicitation", any voice, facsimile, short messaging service
21 (SMS), or multimedia messaging service (MMS), for the purpose of encouraging
22 the purchase or rental of, or investment in, property, goods or services, but does
23 not include communications:

24 (a) To any residential subscriber with that subscriber's prior express
25 invitation or permission;

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

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

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

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

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

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

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

407.1104. 1. Any person or entity who makes a telephone solicitation to
2 any residential subscriber in this state shall, at the beginning of such solicitation,
3 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 residential
5 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
7 identification service.

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