

FIRST REGULAR SESSION

SENATE BILL NO. 119

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR BURLISON.

0036S.01I

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Section A. Sections 407.1095, 407.1098, and 407.1104, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 407.1095, 407.1098, and 407.1104, to read as follows:

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

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

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

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

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

22 [(3)] (4) "Seller", the same as defined in section
23 407.1070;

24 (5) "Telemarketer", the same as defined in section
25 407.1070;

26 (6) "Telephone solicitation", any voice, facsimile,
27 short messaging service (SMS), or multimedia messaging
28 service (MMS), for the purpose of encouraging the purchase
29 or rental of, or investment in, property, goods or services,
30 but does not include communications:

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

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

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

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

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

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

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

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

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

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

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