

FIRST REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 242

101ST GENERAL ASSEMBLY

0353S.04C

ADRIANE D. CROUSE, Secretary

AN ACT

To repeal sections 407.1095, 407.1098, 407.1101, 407.1104, and 620.2456, RSMo, and to enact in lieu thereof eight new sections relating to telecommunications, with penalty provisions.

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

Section A. Sections 407.1095, 407.1098, 407.1101, 2 407.1104, and 620.2456, RSMo, are repealed and eight new 3 sections enacted in lieu thereof, to be known as sections 4 67.2680, 407.1095, 407.1098, 407.1101, 407.1104, 407.1115, 5 620.2456, and 620.2460, to read as follows:

67.2680. The state or any other political subdivision 2 shall not impose any new tax, license, or fee in addition to 3 any tax, license, or fee already authorized on or before 4 August 28, 2021, upon the provision of satellite or 5 streaming video service.

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

(1) **"Business subscriber", a person or entity that, 3 for business use, has subscribed to telephone service, 4 wireless service, or other similar service;**

(2) **"Call spoofing", the practice by a calling party 6 or any caller identification service of knowingly 7 transmitting misleading or inaccurate caller identification 8**

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

9 **information with the intent to defraud, cause harm, harass,**
10 **or wrongfully obtain anything of value;**

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

14 [(2)] (4) "Residential subscriber", a person who, for
15 [primarily] personal and familial use, has subscribed to
16 residential telephone service, wireless service or similar
17 service, or the other persons living or residing with such
18 person;

19 [(3)] (5) "Seller", the same meaning as defined in
20 section 407.1070;

21 (6) "Telemarketer", the same meaning as defined in
22 section 407.1070;

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

28 (a) To any **business subscriber or** residential
29 subscriber with that subscriber's prior express invitation
30 or permission;

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

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

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

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

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

49 (e) By a natural person responding to a referral, or
50 working from his or her primary residence, or a person
51 licensed by the state of Missouri to carry out a trade,
52 occupation or profession who is setting or attempting to set
53 an appointment for actions relating to that licensed trade,
54 occupation or profession within the state or counties
55 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 **business subscriber or** residential
4 subscriber in this state who has given notice to the
5 attorney general, in accordance with rules promulgated
6 pursuant to section 407.1101 of such subscriber's objection
7 to receiving telephone solicitations.

407.1101. 1. The attorney general shall establish and
2 provide for the operation of a database to compile a list of
3 telephone numbers of **business subscribers and** residential
4 subscribers who object to receiving telephone
5 solicitations. [Such list is not intended to include any
6 telephone number primarily used for business or commercial
7 purposes.]

8 2. The attorney general shall promulgate rules and
9 regulations governing the establishment of a state no-call
10 database as he or she deems necessary and appropriate to

11 fully implement the provisions of sections 407.1095 to
12 407.1110. The rules and regulations shall include those
13 which:

14 (1) Specify the methods by which each **business**
15 **subscriber or** residential subscriber may give notice to the
16 attorney general or its contractor of his or her objection
17 to receiving such solicitations or revocation of such
18 notice. There shall be no cost to the subscriber for
19 joining the database;

20 (2) Specify the length of time for which a notice of
21 objection shall be effective and the effect of a change of
22 telephone number on such notice;

23 (3) Specify the methods by which such objections and
24 revocations shall be collected and added to the database;

25 (4) **Specify that once a person gives notice of**
26 **objection, the person shall not have to renew his or her**
27 **objection;**

28 (5) Specify the methods by which any person or entity
29 desiring to make telephone solicitations will obtain access
30 to the database as required to avoid calling the telephone
31 numbers of **business subscribers or** residential subscribers
32 included in the database, including the cost assessed to
33 that person or entity for access to the database; **and**

34 [(5)] (6) Specify such other matters relating to the
35 database that the attorney general deems desirable.

36 3. If the Federal Communications Commission
37 establishes a single national database of telephone numbers
38 of subscribers who object to receiving telephone
39 solicitations pursuant to 47 U.S.C. Section 227(c)(3), the
40 attorney general shall include that part of such single
41 national database that relates to Missouri in the database
42 established pursuant to this section.

43 4. Information contained in the database established
44 pursuant to this section shall be used only for the purpose
45 of compliance with section 407.1098 and this section or in a
46 proceeding or action pursuant to section 407.1107. Such
47 information shall not be considered a public record pursuant
48 to chapter 610.

49 5. In April, July, October, and January of each year,
50 the attorney general shall be encouraged to obtain
51 subscription listings of **business subscribers and**
52 residential subscribers in this state who have arranged to
53 be included on any national do-not-call list and add those
54 telephone numbers to the state do-not-call list.

55 6. The attorney general may utilize moneys
56 appropriated from general revenue and moneys appropriated
57 from the merchandising practices revolving fund established
58 in section 407.140 for the purposes of establishing and
59 operating the state no-call database.

60 7. Any rule or portion of a rule, as that term is
61 defined in section 536.010, that is created under the
62 authority delegated in sections 407.1095 to 407.1110 shall
63 become effective only if it complies with and is subject to
64 all of the provisions of chapter 536 and, if applicable,
65 section 536.028. This section and chapter 536 are
66 nonseverable and if any of the powers vested with the
67 general assembly pursuant to chapter 536 to review, to delay
68 the effective date or to disapprove and annul a rule are
69 subsequently held unconstitutional, then the grant of
70 rulemaking authority and any rule proposed or adopted after
71 August 28, 2000, shall be invalid and void.

 407.1104. 1. Any person or entity who makes a
2 telephone solicitation to any **business subscriber or**
3 residential subscriber in this state shall, at the beginning

4 of such solicitation, state clearly the identity of the
5 person or entity initiating the solicitation.

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

407.1115. 1. **This section shall be known and may be
2 cited as the "Caller ID Anti-Spoofing Act".**

3 2. **As used in this section, the following terms mean:**

4 (1) **"Call"**, any telephone call, facsimile, or text
5 message made using a public switched telephone network,
6 wireless cellular telephone service, or voice-over-internet
7 protocol (VoIP) service that has the capability of accessing
8 users on the public switched telephone network or a
9 successor network;

10 (2) **"Caller"**, a person or entity who places a call,
11 facsimile, or text message, whether by phone or computer;

12 (3) **"Caller identification information"**, information
13 provided by a caller identification service regarding the
14 telephone number or other origination information of a call
15 or facsimile transmission made using a telecommunications
16 service or an interconnected VoIP service or of a text
17 message sent using a text-messaging service;

18 (4) **"Caller identification service"**, any service or
19 device designed to provide the user of the service or device
20 with the telephone number or other origination information
21 of a call or facsimile transmission made using a
22 telecommunications service or an interconnected VoIP service
23 or of a text message sent using a text messaging service.

24 **"Caller identification service" includes automatic number
25 identification services.**

26 3. A caller commits the offense of caller
27 identification spoofing if the caller:

28 (1) Enters or causes to be entered false information
29 into a caller identification service with the intent to
30 deceive, defraud, or mislead the recipient of a call to
31 obtain anything of value; or

32 (2) Places a call knowing that false information was
33 entered into the caller identification service with the
34 intent to deceive, defraud, or mislead the recipient of the
35 call.

36 4. The offense of unlawful caller identification
37 spoofing shall be a class E felony.

38 5. This section shall not apply to:

39 (1) The blocking of caller identification information;

40 (2) Any law enforcement agency of the federal, state,
41 county, or municipal government;

42 (3) Any intelligence or security agency of the federal
43 government; or

44 (4) A communications service provider, including a
45 telecommunications, broadband, or voice-over-internet
46 service provider that:

47 (a) Acts in the communications service provider's
48 capacity as an intermediary for the transmission of
49 telephone service between the caller and the recipient;

50 (b) Provides or configures a service or service
51 feature as requested by the customer;

52 (c) Acts in a manner that is authorized or required by
53 applicable law; or

54 (d) Engages in other conduct that is necessary to
55 provide service.

56 6. The recipient of any call in which the caller uses
57 false caller identification information shall have standing

58 to recover actual and punitive damages against the caller.
59 Punitive damages shall be in an amount determined by the
60 court but not to exceed five thousand dollars per call.
61 Call recipients may bring action under this section as
62 members of a class. The attorney general may initiate legal
63 proceedings or intervene in legal proceedings on behalf of
64 call recipients and, if the caller is found guilty, shall
65 recover all costs of the investigation and prosecution of
66 the action.

620.2456. 1. The department of economic development
2 shall not award any grant to an otherwise eligible grant
3 applicant where funding from the Connect America Fund [has]
4 **or Rural Digital Opportunity Funds have** been awarded, where
5 high-cost support from the federal Universal Service Fund
6 has been received by rate of return carriers, or where any
7 other federal funding has been awarded which did not require
8 any matching-fund component, for any portion of the proposed
9 project area, nor shall any grant money be used to serve any
10 retail end user that already has access to wireline or fixed
11 wireless broadband internet service of speeds of at least
12 twenty-five megabits per-second download and three megabits
13 per-second upload.

14 2. No grant awarded under sections 620.2450 to
15 620.2458, when combined with any federal, state, or local
16 funds, shall fund more than fifty percent of the total cost
17 of a project.

18 3. No single project shall be awarded grants under
19 sections 620.2450 to 620.2458 whose cumulative total exceeds
20 five million dollars.

21 4. The department of economic development shall
22 endeavor to award grants under sections 620.2450 to 620.2458
23 to qualified applicants in all regions of the state.

24 5. An award granted under sections 620.2450 to
25 620.2458 shall not:

26 (1) Require an open access network;

27 (2) Impose rates, terms, and conditions that differ
28 from what a provider offers in other areas of its service
29 area;

30 (3) Impose any rate, service, or any other type of
31 regulation beyond speed requirements set forth in section
32 620.2451; or

33 (4) Impose an unreasonable time constraint on the time
34 to build the service.

35 6. If a grant recipient fails to establish the speed
36 requirements set forth in section 620.2451, then the grant
37 recipient shall return all grant moneys to the department.

**620.2460. 1. Federal funds received by the state, or
2 a political subdivision, city, town, or village through the
3 American Recovery Plan or any other federally passed COVID-
4 19 Relief legislation appropriated specifically for the
5 construction of broadband internet infrastructure shall be
6 in or otherwise serve an "unserved area" or "underserved
7 area" as such terms are described in section 620.2450 and
8 such project will provide or support the provision of
9 broadband internet service at speeds of at least twenty-five
10 megabits per-second download and three megabits per-second
11 upload, but that is scalable to higher speeds.**

12 **2. Prior to a political subdivision, city, town, or
13 village authorizing an expenditure for the construction of
14 broadband infrastructure, the office of broadband
15 development shall certify the project is located within an
16 "unserved area" or "underserved area" as such terms are
17 described in section 620.2450.**

18 3. When the office of broadband development receives a
19 request from a political subdivision, city, town, or village
20 to certify a project is in an "underserved area" or
21 "unserved area" as such terms are described in section
22 620.2450, the office shall notify each internet service
23 provider that offers service within the census block the
24 project is being constructed prior to the certification of
25 the project.

26 4. A broadband internet service provider that provides
27 existing service within the census block the project is
28 located may submit to the department of economic
29 development, within forty-five days of notification by the
30 office of broadband development, a written challenge to an
31 application. Such challenge shall contain information
32 demonstrating that:

33 (1) The provider currently provides broadband internet
34 service to retail customers within the proposed unserved or
35 underserved area;

36 (2) The provider has taken affirmative steps to begin
37 the process of construction to provide broadband internet
38 service to retail customers within the proposed unserved or
39 underserved area; or

40 (3) The provider has been designated funding through
41 federal programs to support the deployment or expansion of
42 broadband networks in the proposed unserved or underserved
43 area.

44 5. Within five business days of the submission of a
45 written challenge, the department of economic development
46 shall notify the political subdivision, municipality, town,
47 or village.

48 6. The department of economic development shall
49 evaluate each challenge submitted under this section. If

50 the department determines the challenge to be valid, the
51 project shall not be considered to be in an "unserved area"
52 or "underserved area" and the expenditure by the political
53 subdivision, municipality, town, or village shall be
54 prohibited. However, an area shall be considered an
55 unserved or underserved area if the federal funding award
56 supporting a challenge under subdivision (3) of subsection 4
57 of this section is forfeited or upon disqualification of the
58 recipient entity awarded federal funding for that geographic
59 area.

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