

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Section A. Sections 407.1095, 407.1098, 407.1101, 2 407.1104, and 620.2456, RSMo, are repealed and eight new 3 sections enacted in lieu thereof, to be known as sections 4 67.2680, 407.1095, 407.1098, 407.1101, 407.1104, 407.1115, 5 620.2456, and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

3 (1) **"Business subscriber", a person or entity that, 4 for business use, has subscribed to telephone service, 5 wireless service, or other similar service;**

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

**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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