

SECOND REGULAR SESSION

HOUSE BILL NO. 2175

100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE HELMS.

4902H.011

DANA RADEMAN MILLER, Chief Clerk

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Section A. Sections 407.1095, 407.1098, and 407.1104, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 407.1095, 407.1098, and 407.1104, to read as follows: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, if 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 and not be "call spoofing";**

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

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

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

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

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

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

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

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

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

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

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

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

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

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

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

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

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