



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-4166/1
MDE:emw

2023 ASSEMBLY BILL 559

October 26, 2023 - Introduced by Representatives BODDEN, KITCHENS, ARMSTRONG, BEHNKE, BINSFELD, BRANDTJEN, CABRERA, DUCHOW, GOEBEN, GUSTAFSON, KRUG, MICHALSKI, MURPHY, MURSAU, OHNSTAD, PALMERI, PENTERMAN, RETTINGER, SCHMIDT, WICHGERS, EDMING, SCHRAA and SINICKI, cosponsored by Senators WANGGAARD, BRADLEY, NASS, ROYS, TAYLOR and SPREITZER. Referred to Committee on Consumer Protection.

1 **AN ACT** *to renumber* 100.52 (6); *to amend* 100.52 (10) (a) and 100.52 (10) (b);
2 and *to create* 100.52 (1) (bd), 100.52 (4) (a) 4., 100.52 (4) (a) 5., 100.52 (6) (c),
3 100.52 (10) (c) and 100.523 of the statutes; **relating to:** caller identification
4 spoofing, granting rule-making authority, and providing a penalty.

Analysis by the Legislative Reference Bureau

This bill prohibits caller identification (ID) spoofing. Under the bill, no person may knowingly transmit misleading or inaccurate caller ID information through a telephone call or text message with the intent to defraud or wrongfully obtain anything of value, including personally identifiable information. The bill also prohibits telephone solicitors from knowingly transmitting misleading or inaccurate caller ID information for any purpose, except that the telephone solicitor may transmit the name of the seller on whose behalf the telephone solicitation is placed and the seller's customer service telephone number if an individual may call that number to make a do-not-call request during regular business hours. The bill creates an exemption for transmissions in connection with authorized activities of law enforcement agencies or a court order specifically authorizing the use of caller ID manipulation. In addition, the bill prohibits a telephone solicitor from blocking the transmission of caller ID information. A person who violates any of these prohibitions is subject to a civil forfeiture of \$100 to \$10,000.

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For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 100.52 (1) (bd) of the statutes is created to read:

2 100.52 (1) (bd) “Caller identification record” means a record that is delivered
3 electronically to the recipient of a telephone call or text message simultaneously with
4 the reception of the telephone call or text message and that indicates the telephone
5 number from which the telephone call or text message was initiated or similar
6 information regarding the telephone call or text message.

7 **SECTION 2.** 100.52 (4) (a) 4. of the statutes is created to read:

8 100.52 (4) (a) 4. When making a telephone solicitation, block the transmission
9 of a caller identification record.

10 **SECTION 3.** 100.52 (4) (a) 5. of the statutes is created to read:

11 100.52 (4) (a) 5. When making a telephone solicitation, knowingly transmit a
12 misleading or inaccurate caller identification record, except that a telephone solicitor
13 or an employee or contractor of a telephone solicitor may transmit the name of the
14 seller on whose behalf the telephone solicitation is being made and the seller’s
15 customer service telephone number if an individual may call that number to make
16 a do-not-call request during regular business hours.

17 **SECTION 4.** 100.52 (6) of the statutes is renumbered 100.52 (6) (am).

18 **SECTION 5.** 100.52 (6) (c) of the statutes is created to read:

19 100.52 (6) (c) Subsection (4) (a) 5. does not apply to the transmission of a caller
20 identification record in connection with the authorized activity of a law enforcement

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1 agency or a court order that specifically authorizes the manipulation of a caller
2 identification record.

3 **SECTION 6.** 100.52 (10) (a) of the statutes is amended to read:

4 100.52 (10) (a) Except as provided in par. (b) or (c), a person who violates this
5 section may be required to forfeit \$100 for each violation.

6 **SECTION 7.** 100.52 (10) (b) of the statutes is amended to read:

7 100.52 (10) (b) A telephone solicitor that violates sub. (4) (a) 1. to 3., (b), (c), or
8 (d) may be required to forfeit not more than \$100 for each violation.

9 **SECTION 8.** 100.52 (10) (c) of the statutes is created to read:

10 100.52 (10) (c) A telephone solicitor that violates sub. (4) (a) 4. or 5. shall forfeit
11 not less than \$100 nor more than \$10,000 for each violation.

12 **SECTION 9.** 100.523 of the statutes is created to read:

13 **100.523 Caller identification spoofing. (1) DEFINITION.** In this section,
14 “caller identification record” has the meaning given in s. 100.52 (1) (bd).

15 **(2) PROHIBITION.** Except as provided in sub. (3), no person may, in connection
16 with any telecommunications service, knowingly transmit a misleading or
17 inaccurate caller identification record with the intent to defraud or wrongfully obtain
18 anything of value, including personally identifiable information.

19 **(3) EXEMPTION.** The prohibition in sub. (2) does not apply to the transmission
20 of a caller identification record in connection with the authorized activity of a law
21 enforcement agency or a court order that specifically authorizes the manipulation of
22 a caller identification record.

23 **(4) RULES.** The department may promulgate rules to administer and enforce
24 this section.

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1 **(5) ENFORCEMENT.** The department shall investigate violations of this section
2 and may bring an action for temporary or permanent injunctive or other relief for any
3 violation of this section.

4 **(6) PENALTY.** A person who violates sub. (2) shall forfeit not less than \$100 nor
5 more than \$10,000 for each violation.

6 **SECTION 10. Nonstatutory provisions.**

7 (1) The legislature recognizes that telecommunications providers have the
8 ability to block voice calls consistent with federal law and rules promulgated by the
9 federal communications commission, in particular rule FCC 17-151, adopted
10 November 16, 2017, which provides the following:

11 (a) A telecommunications provider may block the following types of calls so that
12 they do not reach a called party:

13 1. A voice call if the customer to which the originating number is assigned has
14 requested that calls purporting to originate from that number be blocked.

15 2. A voice call purporting to originate from a North American Numbering Plan
16 number that is not valid; a valid North American Numbering Plan number that is
17 not allocated to a provider; or a valid North American Numbering Plan number that
18 is allocated to a provider but that is not used, if the provider blocking the calls is the
19 provider to which the number is allocated and confirms that the number is not used,
20 or if the provider blocking the calls obtains verifications from the provider to which
21 the number is allocated that the number is not used.

22 (b) A provider may not block a voice call placed to 911 under par. (a) 1. or 2.

23 (c) For purposes of this subsection, a provider may rely on caller identification
24 to determine the purported originating number without regard to whether the call
25 in fact originated from that number.

