



2019 SENATE BILL 132

March 20, 2019 - Introduced by Senators KOOYENGA, ROTH, BERNIER, CARPENTER, COWLES, CRAIG, JACQUE, KAPENGA, MARKLEIN, MILLER, NASS, OLSEN, SMITH, L. TAYLOR, WANGGAARD and WIRCH, cosponsored by Representatives SANFELIPPO, KITCHENS, FIELDS, HAYWOOD, BALLWEG, BRANDTJEN, BROOKS, CONSIDINE, CROWLEY, DUCHOW, EDMING, GUNDRUM, JAGLER, KERKMAN, KNODL, KRUG, KUGLITSCH, KULP, KURTZ, MAGNAFICI, MYERS, MURPHY, MURSAU, NEYLON, OHNSTAD, OTT, PLUMER, QUINN, ROHRKASTE, SCHRAA, SHANKLAND, SINICKI, SKOWRONSKI, SNYDER, SPIROS, STEFFEN, SUBECK, SUMMERFIELD, C. TAYLOR, TITTL, TUSLER, VANDERMEER, VORPAGEL, VRUWINK, WICHGERS and ZIMMERMAN. Referred to Committee on Government Operations, Technology and 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 ID spoofing,
4 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 with the intent to defraud, cause harm, or wrongfully obtain anything of value. 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 telemarketing call 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 identification information. A person who violates any of these prohibitions is subject to a civil forfeiture of \$100 to \$10,000.

The bill also provides that a telecommunications provider may block calls so that they do not reach the called party if the originating number is not valid; is not allocated to a provider; or is confirmed by the provider to be unused.

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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” has the meaning given in s.
3 100.525 (1) (a).

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

5 100.52 (4) (a) 4. When making a telephone solicitation, block the transmission
6 of a caller identification record.

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

8 100.52 (4) (a) 5. When making a telephone solicitation, knowingly transmit a
9 misleading or inaccurate caller identification record, except that a telephone solicitor
10 or an employee or contractor of a telephone solicitor may transmit the name of the
11 seller on whose behalf the telephone solicitation is being made and the seller’s
12 customer service telephone number, if an individual may call that number to make
13 a do-not-call request during regular business hours.

14 **SECTION 4.** 100.52 (6) of the statutes is renumbered 100.52 (6) (a).

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

16 100.52 (6) (c) Subsection (4) (a) 5. does not apply to the transmission of a caller
17 identification record in connection with the authorized activity of a law enforcement
18 agency or a court order that specifically authorizes the manipulation of a caller
19 identification record.

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

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1 100.52 (10) (a) Except as provided in par. (b) or (c), a person who violates this
2 section may be required to forfeit \$100 for each violation.

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

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

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

7 100.52 (10) (c) A telephone solicitor that violates sub. (4) (a) 4. or 5. shall be
8 required to forfeit not less than \$100 and not more than \$10,000 for each violation.

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

10 **100.523 Caller identification spoofing; call blocking. (1) DEFINITIONS.**

11 In this section:

12 (a) “Caller identification record” has the meaning given in s. 100.525 (1) (a).

13 (b) “North American Numbering Plan” means the integrated telephone
14 numbering plan that serves multiple North American countries and territories and
15 that is regulated by the federal communications commission.

16 (c) “Telecommunications service” has the meaning given in s. 196.01 (9m).

17 **(2) PROHIBITION.** Except as provided under sub. (3), no person may, in
18 connection with any telecommunications service, knowingly transmit a misleading
19 or inaccurate caller identification record with the intent to defraud, cause harm, or
20 wrongfully obtain anything of value.

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

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1 **(4) CALL BLOCKING.** (a) A telecommunications service provider may block the
2 following types of calls so that they do not reach a called party:

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

5 2. A voice call purporting to originate from any of the following:

6 a. A North American Numbering Plan number that is not valid.

7 b. A valid North American Numbering Plan number that is not allocated to a
8 provider.

9 c. A valid North American Numbering Plan number that is allocated to a
10 provider but that is not used, if the provider blocking the calls is the provider to which
11 the number is allocated and confirms that the number is not used, or if the provider
12 blocking the calls obtains verifications from the provider to which the number is
13 allocated that the number is not used.

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

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

18 **(5) RULES.** The department may promulgate rules to administer and enforce
19 this section.

20 **(6) ENFORCEMENT.** The department shall investigate violations of this section
21 and may bring an action for temporary or permanent injunctive or other relief for any
22 violation of this section.

23 **(7) PENALTY.** A person who violates sub. (2) shall be required to forfeit not less
24 than \$100 and not more than \$10,000 for each violation.

25 **SECTION 10. Effective date.**

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1 (1) This act takes effect on the first day of the 13th month following publication.

2 (END)