

1 HB217  
2 209046-1  
3 By Representatives Lipscomb, Stringer, Simpson, Marques,  
4 Oliver, Brown (C), Isbell, Estes, Robertson, Bedsole,  
5 Stadthagen, Reynolds, Whitt, Kitchens, Hanes, Smith,  
6 Moore (P), Ball, Ingram, Pettus, Dismukes and Shiver  
7 RFD: Technology and Research  
8 First Read: 02-FEB-21  
9 PFD: 01/29/2021

8 SYNOPSIS: Under existing Alabama law, no penalty  
9 exists for the intentional use of misleading caller  
10 identification information by telephone solicitors.

11 This bill would prohibit the knowing and  
12 intentionally misleading display of misleading or  
13 inaccurate caller identification information. The  
14 bill would not prohibit the use of caller  
15 identification blocking software by persons not  
16 making solicitations, nor the use of caller  
17 identification manipulating software by law  
18 enforcement, intelligence agencies, or charitable  
19 or political organizations complying with state law  
20 regarding charitable or political solicitations.

21 The bill would require telecommunications  
22 service providers to provide subscribers with  
23 caller identification information manipulation  
24 detection software, at no cost to subscribers.

25 Violations of this bill would also be made  
26 violations of the Deceptive Trade Practices Act in

1 order to provide for enforcement by the Attorney  
2 General.

3 Amendment 621 of the Constitution of Alabama  
4 of 1901, now appearing as Section 111.05 of the  
5 Official Recompilation of the Constitution of  
6 Alabama of 1901, as amended, prohibits a general  
7 law whose purpose or effect would be to require a  
8 new or increased expenditure of local funds from  
9 becoming effective with regard to a local  
10 governmental entity without enactment by a 2/3 vote  
11 unless: it comes within one of a number of  
12 specified exceptions; it is approved by the  
13 affected entity; or the Legislature appropriates  
14 funds, or provides a local source of revenue, to  
15 the entity for the purpose.

16 The purpose or effect of this bill would be  
17 to require a new or increased expenditure of local  
18 funds within the meaning of the amendment. However,  
19 the bill does not require approval of a local  
20 governmental entity or enactment by a 2/3 vote to  
21 become effective because it comes within one of the  
22 specified exceptions contained in the amendment.

23  
24 A BILL  
25 TO BE ENTITLED  
26 AN ACT  
27

1           Relating to telephone communications; to prohibit  
2 the knowing and intentionally misleading display of misleading  
3 or inaccurate caller identification information under certain  
4 conditions, with exceptions; to require telecommunications  
5 service providers to provide subscribers with software to  
6 combat robocalls; to make violations a violation of the  
7 Deceptive Trade Practices Act; and in connection therewith  
8 would have as its purpose or effect the requirement of a new  
9 or increased expenditure of local funds within the meaning of  
10 Amendment 621 of the Constitution of Alabama of 1901, now  
11 appearing as Section 111.05 of the Official Recompilation of  
12 the Constitution of Alabama of 1901, as amended.

13 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

14           Section 1. For purposes of this act, the following  
15 terms shall have the following meanings:

16           (1) CALLER IDENTIFICATION INFORMATION. Information  
17 provided by a caller identification service regarding the  
18 telephone number of, or other information regarding the  
19 origination of, a call made using a telecommunications service  
20 or interconnected Voice over Internet Protocol (VoIP) service.

21           (2) CALLER IDENTIFICATION SERVICE. Any service or  
22 device designed to provide the user of the service or device  
23 with the telephone number of, or other information regarding  
24 the origination of, a call made using a telecommunications  
25 service or interconnected VoIP service, including automatic  
26 number identification services as defined in 47 CFR § 9.3.

1 (3) COMMERCIAL TELEPHONE SOLICITATION. The meaning  
2 set forth in Section 8-19A-3, Code of Alabama 1975.

3 (4) INTERCONNECTED VOIP SERVICE. The meaning set  
4 forth in 47 CFR § 9.3.

5 (5) PLACE OF PRIMARY USE. The residential street  
6 address or the primary business street address of the  
7 subscriber, or, in the case of a subscriber of interconnected  
8 VoIP service, the subscriber's registered location as defined  
9 in 47 CFR § 9.3.

10 (6) PROVIDER. A person that offers  
11 telecommunications service or interconnected VoIP service.

12 (7) SUBSCRIBER. A person that subscribes to a caller  
13 identification service in connection with a telecommunications  
14 service or an interconnected VoIP service and whose place of  
15 primary use for the service is in Alabama.

16 (8) TELECOMMUNICATIONS SERVICE. The meaning set  
17 forth in 47 U.S.C. § 153.

18 Section 2. (a) A person may not, in connection with  
19 any telecommunications service or interconnected VoIP service,  
20 knowingly and with intent to mislead, cause any caller  
21 identification service to transmit misleading or inaccurate  
22 caller identification information to a subscriber.

23 (b) Subsection (a) does not apply to any of the  
24 following:

25 (1) Any communication initiated from outside the  
26 state or to a person who is not a subscriber.

1           (2) The blocking of the capability of a caller  
2 identification service to transmit caller identification  
3 information, unless that blocking is performed during a  
4 commercial telephone solicitation.

5           (3) A commercial telephone solicitation in which the  
6 name and telephone number of the party on whose behalf the  
7 call is made has been substituted for the name and telephone  
8 number of the service used to make the call.

9           (4) Any authorized activity of a law enforcement  
10 agency.

11           (5) Any lawfully authorized investigative,  
12 protective, or intelligence activity conducted by any of the  
13 following:

14           a. The United States or an intelligence agency of  
15 the United States.

16           b. The state or a political subdivision of the  
17 state.

18           c. Any other state or a political subdivision of  
19 that state.

20           (6) Use of caller identification manipulation  
21 specifically authorized by a court order.

22           (7) A communication made by a person or organization  
23 required to file a registration statement with the Attorney  
24 General under Section 13A-9-71, Code of Alabama 1975, or any  
25 person or organization granted an exemption from registration  
26 under Section 13A-9-71(f), Code of Alabama 1975.

1           Section 3. On or before January 1, 2022, each  
2 provider doing business in the state shall implement Secure  
3 Telephony Identity Revisited (STIR) and Secure Handling of  
4 Asserted information using toKENS (SHAKEN) protocols or  
5 alternative technology that provides comparable or superior  
6 capability to verify and authenticate caller identification  
7 for communications made using a telecommunications service or  
8 an interconnected VoIP service, at no cost to subscribers.

9           Section 4. (a) A violation of this act shall be a  
10 violation of the Deceptive Trade Practices Act, Section 8-19-1  
11 et seq., Code of Alabama 1975.

12           (b) Nothing in this act shall be construed to  
13 prohibit, limit, or otherwise affect the authority of the  
14 Attorney General to bring an action under 47 U.S.C. §  
15 227(e)(6) to enforce the federal Truth in Caller ID Act of  
16 2009, 47 U.S.C. § 227 et seq.

17           Section 5. (a) A person who is aggrieved by a  
18 violation of this act may bring an action for the recovery of  
19 the person's actual damages, including court costs and  
20 attorney's fees, against any person who did either of the  
21 following:

22           (1) Was responsible for the violation.

23           (2) Knowingly participated in the violation.

24           (b) An action under this section may be brought in  
25 the district court of the county of residence or the county of  
26 principal place of business in Alabama of the aggrieved  
27 person.

1           (c) Upon petition by any person that another person  
2 has violated this chapter, the district court of the  
3 petitioner's county of residence or principal place of  
4 business in Alabama may enjoin the respondent from further  
5 violations. The injunctive relief available under this  
6 subsection is in addition to any damages to which a person may  
7 be entitled under subsection (a).

8           (d) A person does not have a cause of action against  
9 a provider for a violation of this chapter unless the  
10 violation resulted from the provider's gross negligence or  
11 intentional wrongdoing.

12           Section 6. Although this bill would have as its  
13 purpose or effect the requirement of a new or increased  
14 expenditure of local funds, the bill is excluded from further  
15 requirements and application under Amendment 621, now  
16 appearing as Section 111.05 of the Official Recompilation of  
17 the Constitution of Alabama of 1901, as amended, because the  
18 bill defines a new crime or amends the definition of an  
19 existing crime.

20           Section 7. This act shall become effective on the  
21 first day of the third month following its passage and  
22 approval by the Governor, or its otherwise becoming law.