

HOUSE BILL No. 1325

DIGEST OF INTRODUCED BILL

Citations Affected: IC 24-5-14.5.

Synopsis: Caller ID authentication. Specifies that the attorney general's authority to bring a civil action to enforce the federal Truth in Caller ID Act of 2009 (Act) includes the attorney general's authority to bring a civil action to seek damages and injunctive relief under the broader statute of which the Act is a part. Provides that not later than December 31, 2020, a provider that offers voice telephony service through an interconnected VOIP service to subscribers in Indiana shall implement: (1) the SHAKEN/STIR framework for verifying and authenticating caller identification information for calls made through an interconnected VOIP service; or (2) any alternative technology that provides comparable or superior functionality in verifying and authenticating caller identification information; consistent with certain actions by the Federal Communications Commission (FCC) in connection with, or in furtherance of, a June 6, 2019, FCC declaratory ruling. Provides that the bill's requirement does not apply to: (1) a rural telephone cooperative; or (2) a provider that: (A) serves only Indiana subscribers; and (B) has not more than 5,000 subscribers. Specifies that the bill's requirement does not: (1) require a provider to offer or implement call blocking; or (2) restrict or prohibit a provider from offering or implementing call blocking, consistent with the FCC declaratory ruling. Authorizes the attorney general to adopt rules to implement these provisions.

Effective: Upon passage.

Ellington

January 14, 2020, read first time and referred to Committee on Utilities, Energy and Telecommunications.



Second Regular Session of the 121st General Assembly (2020)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2019 Regular Session of the General Assembly.

HOUSE BILL No. 1325

A BILL FOR AN ACT to amend the Indiana Code concerning transportation.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 24-5-14.5-10, AS ADDED BY P.L.151-2013,
- 2 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 3 UPON PASSAGE]: Sec. 10. This chapter does not prohibit or restrict
- 4 any of the following:
- 5 (1) Subject to IC 24-5-12-25, blocking the capability of a caller
- 6 identification service to transmit caller identification information.
- 7 (2) Any authorized activity of a law enforcement agency.
- 8 (3) Any lawfully authorized investigative, protective, or
- 9 intelligence activity of:
- 10 (A) the United States or an intelligence agency of the United
- 11 States;
- 12 (B) the state or a political subdivision of the state; or
- 13 (C) any other state or a political subdivision of that state.
- 14 (4) A court order that specifically authorizes the use of caller
- 15 identification manipulation.
- 16 (5) The right of the attorney general to bring a civil action under:
- 17 (A) 47 U.S.C. 227(e)(6); **or**



1 **(B) 47 U.S.C. 227(g);**

2 to enforce the federal Truth in Caller ID Act of 2009 (47 U.S.C.
3 227).

4 SECTION 2. IC 24-5-14.5-12, AS ADDED BY P.L.151-2013,
5 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
6 UPON PASSAGE]: Sec. 12. (a) Except as provided in subsection (b),
7 a person who violates this chapter commits a deceptive act that is:

- 8 (1) actionable by the attorney general under IC 24-5-0.5-4(c); and
9 (2) subject to the remedies and penalties set forth in IC 24-5-0.5.

10 An action by the attorney general for a violation of this chapter may be
11 brought in the circuit or superior court of Marion County.

12 (b) If the attorney general brings an action under this section and
13 proves by a preponderance of the evidence that a person has knowingly
14 or intentionally violated section 9 **or section 15** of this chapter, the
15 attorney general may recover from the person on behalf of the state a
16 civil penalty of not more than ten thousand dollars (\$10,000) per
17 violation. A civil penalty recovered under this subsection shall be
18 deposited in the consumer protection division telephone solicitation
19 fund established by IC 24-4.7-3-6 to be used for the administration and
20 enforcement of this chapter.

21 SECTION 3. IC 24-5-14.5-13, AS ADDED BY P.L.151-2013,
22 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
23 UPON PASSAGE]: Sec. 13. (a) Except as provided in section 14 of
24 this chapter, any person who is aggrieved by a violation of **section 9** of
25 this chapter may bring an action for the recovery of the person's actual
26 damages, including court costs and attorney's fees, against any person:

- 27 (1) responsible for; or
28 (2) who knowingly participated in;

29 the violation. An action under this subsection may be brought in the
30 circuit or superior court of the aggrieved person's county of residence
31 or principal place of business in Indiana.

32 (b) Upon petition by any person that another person has violated this
33 chapter, the circuit or superior court of the petitioner's county of
34 residence or principal place of business in Indiana may enjoin the
35 respondent from further violations. The injunctive relief available
36 under this subsection is in addition to any damages to which a person
37 may be entitled under subsection (a).

38 SECTION 4. IC 24-5-14.5-15 IS ADDED TO THE INDIANA
39 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
40 [EFFECTIVE UPON PASSAGE]: **Sec. 15. (a) As used in this section,**
41 **"FCC declaratory ruling" refers to the Federal Communications**
42 **Commission's Declaratory Ruling and Third Further Notice of**



1 **Proposed Rulemaking (FCC 19-51; June 6, 2019).**

2 **(b) Notwithstanding section 6 of this chapter, as used in this**
 3 **section, "provider":**

4 **(1) means a person that offers voice telephony service through**
 5 **an interconnected VOIP service to a subscriber; and**

6 **(2) does not include:**

7 **(A) a cooperative corporation formed under IC 8-1-17; or**

8 **(B) a person described in subdivision (1) that:**

9 **(i) serves only Indiana subscribers; and**

10 **(ii) has not more than five thousand (5,000) subscribers.**

11 **(c) As used in this section, "Signature-based Handling of**
 12 **Asserted information using toKENS/Secure Telephony Identity**
 13 **Revisited framework", or "SHAKEN/STIR framework", means a**
 14 **system to authenticate caller identification information by**
 15 **confirming that:**

16 **(1) a call actually originates from the number indicated in the**
 17 **caller identification information; or**

18 **(2) at the least, a call has entered the public switched**
 19 **telephone network through a particular provider or gateway;**
 20 **through the issuance to all calls of a marker (in the form of a**
 21 **digital token or signature) that can be verified as authentic before**
 22 **the call reaches the recipient.**

23 **(d) Not later than December 31, 2020, a provider that offers**
 24 **voice telephony service through an interconnected VOIP service to**
 25 **subscribers in Indiana shall implement:**

26 **(1) the SHAKEN/STIR framework; or**

27 **(2) any alternative technology that provides comparable or**
 28 **superior functionality in verifying and authenticating caller**
 29 **identification information for calls made through an**
 30 **interconnected VOIP service;**

31 **consistent with any regulations, rules, orders, or rulings adopted**
 32 **or issued by the Federal Communications Commission after**
 33 **December 31, 2019, in connection with, or in furtherance of, the**
 34 **FCC declaratory ruling.**

35 **(e) This section does not:**

36 **(1) require a provider to offer or implement call blocking; or**

37 **(2) restrict or prohibit a provider from offering or**
 38 **implementing call blocking, either on an opt in basis or on a**
 39 **default basis, consistent with the FCC declaratory ruling.**

40 **(f) The attorney general may adopt rules under IC 4-22-2 to**
 41 **implement this section, including standards that:**

42 **(1) establish what constitutes implementation of:**



1 (A) the SHAKEN/STIR framework; or
2 (B) an alternative technology described in subsection
3 (d)(2);
4 for purposes of this section; and
5 (2) are consistent with any regulations, rules, orders, or
6 rulings adopted or issued by the Federal Communications
7 Commission after December 31, 2019, in connection with, or
8 in furtherance of, the FCC declaratory ruling.
9 In adopting rules under this subsection, the attorney general may
10 adopt emergency rules in the manner provided by IC 4-22-2-37.1.
11 Notwithstanding IC 4-22-2-37.1(g), an emergency rule adopted by
12 the attorney general under this subsection and in the manner
13 provided by IC 4-22-2-37.1 expires on the date on which a rule that
14 supersedes the emergency rule is adopted by the attorney general
15 under IC 4-22-2-24 through IC 4-22-2-36.
16 SECTION 5. An emergency is declared for this act.

