

HOUSE No. 3753

The Commonwealth of Massachusetts

PRESENTED BY:

John Barrett, III

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act to limit consumer exposure to deceptive calling practices.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>John Barrett, III</i>	<i>1st Berkshire</i>
<i>Thomas P. Walsh</i>	<i>12th Essex</i>
<i>Smitty Pignatelli</i>	<i>4th Berkshire</i>
<i>William L. Crocker, Jr.</i>	<i>2nd Barnstable</i>
<i>Tram T. Nguyen</i>	<i>18th Essex</i>
<i>Shawn Dooley</i>	<i>9th Norfolk</i>
<i>Tricia Farley-Bouvier</i>	<i>3rd Berkshire</i>
<i>Timothy R. Whelan</i>	<i>1st Barnstable</i>
<i>David Paul Linsky</i>	<i>5th Middlesex</i>
<i>Steven Ultrino</i>	<i>33rd Middlesex</i>
<i>Susan Williams Gifford</i>	<i>2nd Plymouth</i>
<i>Brian M. Ashe</i>	<i>2nd Hampden</i>
<i>José F. Tosado</i>	<i>9th Hampden</i>
<i>Anne M. Gobi</i>	<i>Worcester, Hampden, Hampshire and Middlesex</i>
<i>Josh S. Cutler</i>	<i>6th Plymouth</i>
<i>Bradley H. Jones, Jr.</i>	<i>20th Middlesex</i>
<i>Joseph W. McGonagle, Jr.</i>	<i>28th Middlesex</i>

<i>Kenneth I. Gordon</i>	<i>21st Middlesex</i>
<i>Brian W. Murray</i>	<i>10th Worcester</i>
<i>Susannah M. Whipps</i>	<i>2nd Franklin</i>
<i>Tommy Vitolo</i>	<i>15th Norfolk</i>
<i>Adam G. Hinds</i>	<i>Berkshire, Hampshire, Franklin and Hampden</i>
<i>Ryan C. Fattman</i>	<i>Worcester and Norfolk</i>
<i>Kimberly N. Ferguson</i>	<i>1st Worcester</i>
<i>Michael O. Moore</i>	<i>Second Worcester</i>
<i>Elizabeth A. Poirier</i>	<i>14th Bristol</i>
<i>Hannah Kane</i>	<i>11th Worcester</i>
<i>Jerald A. Parisella</i>	<i>6th Essex</i>
<i>Bruce J. Ayers</i>	<i>1st Norfolk</i>
<i>Harriette L. Chandler</i>	<i>First Worcester</i>
<i>William C. Galvin</i>	<i>6th Norfolk</i>
<i>David Allen Robertson</i>	<i>19th Middlesex</i>
<i>Michael S. Day</i>	<i>31st Middlesex</i>
<i>James K. Hawkins</i>	<i>2nd Bristol</i>
<i>Paul McMurtry</i>	<i>11th Norfolk</i>
<i>Tami L. Gouveia</i>	<i>14th Middlesex</i>
<i>Carlos González</i>	<i>10th Hampden</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>
<i>Maria Duaine Robinson</i>	<i>6th Middlesex</i>
<i>Claire D. Cronin</i>	<i>11th Plymouth</i>
<i>Mathew J. Muratore</i>	<i>1st Plymouth</i>
<i>David K. Muradian, Jr.</i>	<i>9th Worcester</i>
<i>James Arciero</i>	<i>2nd Middlesex</i>
<i>RoseLee Vincent</i>	<i>16th Suffolk</i>
<i>Natalie M. Blais</i>	<i>1st Franklin</i>
<i>Daniel R. Carey</i>	<i>2nd Hampshire</i>
<i>Mike Connolly</i>	<i>26th Middlesex</i>
<i>Carmine Lawrence Gentile</i>	<i>13th Middlesex</i>
<i>Sarah K. Peake</i>	<i>4th Barnstable</i>
<i>Alice Hanlon Peisch</i>	<i>14th Norfolk</i>
<i>Angelo M. Scaccia</i>	<i>14th Suffolk</i>
<i>Steven S. Howitt</i>	<i>4th Bristol</i>
<i>Stephan Hay</i>	<i>3rd Worcester</i>
<i>Adrian C. Madaro</i>	<i>1st Suffolk</i>

HOUSE No. 3753

By Mr. Barrett of North Adams, a petition (accompanied by bill, House, No. 3753) of John Barrett, III and others for legislation to limit consumer exposure to deceptive calling practices. Consumer Protection and Professional Licensure.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act to limit consumer exposure to deceptive calling practices.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 1 of chapter 159C of the General Laws, as appearing in the 2016
2 Official Edition, is hereby amended by inserting after the definition of “Office”, the following 2
3 definitions:-

4 “Personal identifying information”, any name or telephone number that may be used,
5 alone or in conjunction with any other information, to assume the identity of a person or persons.

6 “Pose”, to falsely represent oneself, directly or indirectly, as another person or persons.

7 SECTION 2. Section 4 of said chapter 159C, as so appearing, is hereby amended by
8 adding the following sentence:- The telephone number listed in the caller identification service
9 or device shall be a valid telephone number attributable and traceable back to the calling party.

10 SECTION 3. Said chapter 159C is hereby amended by inserting after section 4 the
11 following 2 sections:-

12 Section 4A. Notwithstanding any general or special law to the contrary, a person shall
13 not, with the intent to deceive, defraud, harass, cause harm or wrongfully obtain anything of
14 value, including, but not limited to, financial resources or personal identifying information:

15 (1) make, place or initiate a call or text message or engage in conduct which results in
16 the display of misleading, false or inaccurate caller identification, or caller ID, information on
17 the receiving party's telephone or device or otherwise circumvent caller identification
18 technology;

19 (2) cause to be displayed a Massachusetts area code on the recipient's caller ID unless the
20 person making, placing or initiating the call or text message maintains a physical presence in the
21 commonwealth; or

22 (3) obtain or use personal identifying information about a person without the express
23 authorization of such person in order to pose or assist another to pose as such person in making,
24 placing or initiating a call or text message.

25 A violation of this section shall be considered an unfair and deceptive act or practice in
26 violation of chapter 93A. This section shall not apply to:

27 (1) lawfully authorized investigative, protective or intelligence activity of a law
28 enforcement agency, a State, or a political subdivision of a State, or of an intelligence agency of
29 the United States; or

30 (2) activity engaged in pursuant to a court order that specifically authorizes the use of
31 caller ID manipulation.

32 Section 4B. Notwithstanding any general or special law to the contrary, providers of
33 telephone services in the commonwealth shall implement effective caller authentication
34 technology for all networks to ensure the legitimacy of caller identification numbers provided by
35 their systems to consumers.

36 SECTION 4. Section 8 of said chapter 159C is hereby amended by adding the following
37 subsection:-

38 (d) Aggrieved persons, public interest groups, municipalities of the commonwealth, the
39 department of telecommunications and cable or the attorney general's office may initiate
40 proceedings relating to violations of section 4A. Violations of said section 4A, in actions
41 brought pursuant to this subsection, shall be punished by fines of not more than \$10,000 per each
42 deceptive call; provided that said fine shall be not less than \$5,000 for each deceptive call
43 involving a consumer age 65 years or older.

44 SECTION 5. There shall be established a special legislative commission pursuant to
45 section 2A of chapter 4 of the General Laws to study methods for and effects of implementing
46 the requirements of section 4B of chapter 159C of the General Laws. The commission shall
47 consist of: 2 members of the house of representatives, 1 of whom shall be appointed by the
48 speaker of the house and 1 of whom shall be appointed by the minority leader of the house; 2
49 members of the senate, 1 of whom shall be appointed by the president of the senate and 1 of
50 whom shall be appointed by the minority leader of the senate; the attorney general or a designee;
51 and 2 persons to be appointed by the governor, 1 of whom shall be a representative of the
52 telecommunications industry, and 1 of whom shall be a consumer protection advocate. The
53 commission shall submit a report to the governor and the clerks of the house of representatives

54 and the senate not later than 1 year after the effective date of this act detailing their findings and
55 recommendations.

56 SECTION 6. Notwithstanding any general or special law to the contrary, providers of
57 telephone services in the commonwealth shall implement effective caller authentication
58 technology for all networks to ensure the legitimacy of caller ID numbers provided by their
59 systems to consumers pursuant to section 4B of chapter 159C of the General Laws not later than
60 June 30, 2019.

61 SECTION 7. The office of consumer affairs and business regulation shall promulgate
62 regulations to implement sections 4A and 4B of chapter 159C of the General Laws not later than
63 3 months after the effective date of this act.