

HOUSE No. 312

The Commonwealth of Massachusetts

PRESENTED BY:

John Barrett, III and Thomas P. Walsh

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:	DATE ADDED:
<i>John Barrett, III</i>	<i>1st Berkshire</i>	<i>2/18/2021</i>
<i>Thomas P. Walsh</i>	<i>12th Essex</i>	<i>2/19/2021</i>
<i>Paul McMurtry</i>	<i>11th Norfolk</i>	<i>2/19/2021</i>
<i>Daniel R. Carey</i>	<i>2nd Hampshire</i>	<i>2/19/2021</i>
<i>Tricia Farley-Bouvier</i>	<i>3rd Berkshire</i>	<i>2/19/2021</i>
<i>Steven Ultrino</i>	<i>33rd Middlesex</i>	<i>2/19/2021</i>
<i>David Paul Linsky</i>	<i>5th Middlesex</i>	<i>2/19/2021</i>
<i>Lindsay N. Sabadosa</i>	<i>1st Hampshire</i>	<i>2/19/2021</i>
<i>Patricia A. Haddad</i>	<i>5th Bristol</i>	<i>2/19/2021</i>
<i>Colleen M. Garry</i>	<i>36th Middlesex</i>	<i>2/19/2021</i>
<i>Christopher Hendricks</i>	<i>11th Bristol</i>	<i>2/19/2021</i>
<i>Susannah M. Whipps</i>	<i>2nd Franklin</i>	<i>2/19/2021</i>
<i>Timothy R. Whelan</i>	<i>1st Barnstable</i>	<i>2/19/2021</i>
<i>Joseph W. McGonagle, Jr.</i>	<i>28th Middlesex</i>	<i>2/19/2021</i>
<i>Sarah K. Peake</i>	<i>4th Barnstable</i>	<i>2/19/2021</i>
<i>Brian W. Murray</i>	<i>10th Worcester</i>	<i>2/19/2021</i>
<i>Steven G. Xiarhos</i>	<i>5th Barnstable</i>	<i>2/19/2021</i>
<i>Kip A. Diggs</i>	<i>2nd Barnstable</i>	<i>2/19/2021</i>

<i>Jacob R. Oliveira</i>	<i>7th Hampden</i>	<i>2/20/2021</i>
<i>Tram T. Nguyen</i>	<i>18th Essex</i>	<i>2/22/2021</i>
<i>Richard M. Haggerty</i>	<i>30th Middlesex</i>	<i>2/22/2021</i>
<i>Tami L. Gouveia</i>	<i>14th Middlesex</i>	<i>2/22/2021</i>
<i>David Henry Argosky LeBoeuf</i>	<i>17th Worcester</i>	<i>2/23/2021</i>
<i>Jessica Ann Giannino</i>	<i>16th Suffolk</i>	<i>2/23/2021</i>
<i>David F. DeCoste</i>	<i>5th Plymouth</i>	<i>2/23/2021</i>
<i>Carmine Lawrence Gentile</i>	<i>13th Middlesex</i>	<i>2/24/2021</i>
<i>Brian M. Ashe</i>	<i>2nd Hampden</i>	<i>2/24/2021</i>
<i>Kevin G. Honan</i>	<i>17th Suffolk</i>	<i>2/25/2021</i>
<i>Smitty Pignatelli</i>	<i>4th Berkshire</i>	<i>2/26/2021</i>
<i>Kate Lipper-Garabedian</i>	<i>32nd Middlesex</i>	<i>2/26/2021</i>
<i>Hannah Kane</i>	<i>11th Worcester</i>	<i>3/15/2021</i>
<i>Jerald A. Parisella</i>	<i>6th Essex</i>	<i>3/3/2021</i>
<i>Adam G. Hinds</i>	<i>Berkshire, Hampshire, Franklin and Hampden</i>	<i>4/20/2021</i>
<i>David Allen Robertson</i>	<i>19th Middlesex</i>	<i>4/27/2021</i>
<i>Natalie M. Higgins</i>	<i>4th Worcester</i>	<i>5/10/2021</i>
<i>Danillo A. Sena</i>	<i>37th Middlesex</i>	<i>9/20/2021</i>

HOUSE No. 312

By Messrs. Barrett of North Adams and Walsh of Peabody, a petition (accompanied by bill, House, No. 312) of John Barrett, III, Thomas P. Walsh and others for legislation to limit consumer exposure to deceptive calling practices. Consumer Protection and Professional Licensure.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 3753 OF 2019-2020.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

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.