

19102586D

## HOUSE BILL NO. 2600

Offered January 9, 2019

A BILL to amend and reenact §§ 59.1-511, 59.1-512, and 59.1-513 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 59.1-513.2, relating to telephone privacy protection.

Patron—Bell, John J.

Referred to Committee on Commerce and Labor

**Be it enacted by the General Assembly of Virginia:**

1. That §§ 59.1-511, 59.1-512, and 59.1-513 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 59.1-513.2 as follows:

**§ 59.1-511. Calling time restrictions.**

No telephone solicitor shall initiate, or cause to be initiated, a telephone solicitation call at any time on a Sunday or national holiday, or on any day other than a Sunday or national holiday other than between 8:00 9:00 a.m. and 9:00 8:00 p.m. local time at the called person's location, unless the telephone solicitor has obtained the prior consent of the called person.

**§ 59.1-512. Identification of telephone solicitor required.**

A telephone solicitor who makes a telephone solicitation call shall, immediately upon making contact with the called person, identify himself:

1. The individual making the telephone solicitation call by his first and last names and the;
2. The name of the person on whose behalf the telephone solicitation call is being made promptly upon making contact with the called person; and
3. The property, good, or service being offered by the person on whose behalf the telephone solicitation call is being made.

**§ 59.1-513. Transmission of caller identification information required.**

A. A telephone solicitor who makes a telephone solicitation call shall transmit the telephone number, and, when available by the telephone solicitor's carrier, the name of the telephone solicitor. It shall not be a violation of this section to substitute (, for the name and telephone number used in, or billed for, making the call), the name of the person on whose behalf the telephone solicitation call is being made and that person's customer service telephone number. The number so provided must shall permit, during regular business hours at all times, any individual to make a request not to receive telephone solicitation calls.

B. No telephone solicitor shall take any intentional action to prevent, or fail to take any action within the power of the telephone solicitor that would prevent, the transmission of the telephone solicitor's name or telephone number to any person receiving a telephone solicitation call.

**§ 59.1-513.2. Caller ID spoofing prohibited.**

A. As used in this section:

"Call" means any communication, message, signal, or transmission made to a person through the use of a communications service.

"Caller" means a person who makes a call using a communications service.

"Caller identification information" means information provided by a caller identification service regarding the telephone number of, or other information regarding the origin of, a call made using a communications service.

"Caller identification service" means a listing of caller identification information that is shown to a recipient of a call when a call made using a communications service is received.

"Caller ID spoofing" means the practice of using an application or other technology in connection with a communications service to cause any caller identification service to transmit caller identification information that represents or states that the call originates from a telephone with an area code assigned to an area within the Commonwealth or from a location within the Commonwealth if the person on whose behalf the telephone solicitation call is being made does not conduct business from a location within the Commonwealth.

"Commissioner" means the Commissioner of Agriculture and Consumer Services.

"Communications service" includes any telecommunication service, broadband service, or interconnected Voice-over-Internet Protocol service.

B. No person shall perform caller ID spoofing when making a call to another person in the Commonwealth.

C. This section shall not apply to:

INTRODUCED

HB2600

59 1. The blocking of caller identification information;  
60 2. Any federal, state, or local law-enforcement agency;  
61 3. Any federal intelligence or security agency; or  
62 4. A provider of a communications service that is:  
63 a. Acting in the communications service provider's capacity as an intermediary for the transmission  
64 of a call between the caller and the call's recipient;  
65 b. Providing or configuring a service or service feature as requested by the provider's customer;  
66 c. Acting in a manner that is authorized or required by applicable law; or  
67 d. Engaging in other conduct that is necessary to provide its communications service.  
68 D. A person who is subjected to a violation of this section may file with the Commissioner a written  
69 complaint that states the name and address of the person alleged to have committed the violation  
70 complained of, the particulars of the violation, and any other information required by the Commissioner.  
71 After the filing of a complaint, the Commissioner shall investigate the allegations to ascertain issues and  
72 facts. If upon the completion of such investigation the Commissioner determines that a violation of this  
73 section has occurred, the Commissioner shall refer a complaint to the Federal Trade Commission or  
74 request an appropriate legal official to bring an action under § 59.1-517 with respect to such violation,  
75 including an action for an award of a civil penalty of not more than \$1,000 for each such violation.  
76 This section does not prevent a person from exercising any right or seeking any remedy to which he  
77 might otherwise be entitled, including initiating an action to enjoin a violation and to recover damages  
78 as provided in § 59.1-515.