

Department of Planning and Budget 2019 Fiscal Impact Statement

1. Bill Number: HB2564

House of Origin	<input checked="" type="checkbox"/> Introduced	<input type="checkbox"/> Substitute	<input type="checkbox"/> Engrossed
Second House	<input type="checkbox"/> In Committee	<input type="checkbox"/> Substitute	<input type="checkbox"/> Enrolled

2. Patron: Pillion

3. Committee: Commerce and Labor

4. Title: Virginia Telephone Privacy Protection Act

5. Summary: Prohibits any person, with the intent to defraud, harass, cause harm, or wrongfully obtain anything of value, from making, placing, or initiating a call or text message or engaging in conduct that results in the display of misleading, false, or inaccurate caller identification information on the receiving party's telephone. The measure prohibits conduct to otherwise (i) circumvent caller identification technology that is designed to allow the receiving party to identify the telephone number, location, or organization from which the call or text message originates or (ii) misrepresent the origin and nature of the call or text message. The measure also prohibits a person, with such intent, from displaying (a) a Virginia area code on the recipient's caller identification system unless the person making, placing, or initiating the call or text message maintains a physical presence in the Commonwealth or (b) the receiving party's telephone number on the contacted party's caller identification system. A violation of these provisions is subject to the remedies provided in the Virginia Telephone Privacy Protection Act (§ 59.1-510 et seq.).

6. Budget Amendment Necessary: Indeterminate. See item 8.

7. Fiscal Impact Estimates: Preliminary.

8. Fiscal Implications: This bill prohibits any person from making, placing, or initiating a call or text message or engaging in conduct that results in the display of misleading, false, or inaccurate caller identification information (ID spoofing) on the receiving party's telephone when such person intends to defraud, harass, cause harm, or wrongfully obtain anything of value.

Investigative authority of the provisions of the Virginia Telephone Privacy Protection Act is delegated to the Virginia Department of Agriculture and Consumer Services (VDACS). The number of complaints VDACS may receive and investigations VDACS may be required to conduct is unknown. However, according to the Federal Trade Commission's (FTC) National Do Not Call Registry Data Book for 2018, Virginia ranks seventh in the nation for the number of complaints submitted to FTC. According to the report, approximately 65 percent of the complaints are related to ID spoofing, or robo-calling.

VDACS does not currently dedicate resources to administer the Virginia Telephone Privacy Protection Act, the provisions of which this bill expands. Should the agency receive a significant number of complaints, VDACS may require resources to support administration of this bill. VDACS estimates that a minimum of two FTEs may be necessary to implement this bill at an annual cost of \$150,000 per year. In addition, it is anticipated that IT resources may be necessary to implement software for tracking complaints, as well as software to confirm when ID spoofing occurs by a telephone solicitor. VDACS estimates that a minimum one-time cost of \$100,000 to cover these costs.

9. Specific Agency or Political Subdivisions Affected: Department of Agriculture and Consumer Services.

10. Technical Amendment Necessary: No.

11. Other Comments: HB2600 also addresses the Virginia Telephone Privacy Protection Act.