

Subject Telecommunications

Authors Stephenson

Analyst Bob Eleff

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Overview

House File 3099 prohibits what is known as “spoofing,” the display of a fraudulent or inaccurate name or telephone number on a person’s caller identification service. The bill provides a safe harbor from the prohibition for telecommunications service providers who implement call blocking technology at no cost to subscribers, and allows the call blocking requirement to be waived if technically infeasible or financially burdensome. The bill provides for a penalty of up to \$1,000 per violation, after the initial violation, and sets penalties for theft by swindle or identity theft accomplished through calls prohibited by the bill at a maximum five-year prison term or \$10,000 fine.

Summary

Section	Description
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1 - 3	[325E.26] Definitions.
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4	[325E.281] False caller identification information; prohibition.
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Subd. 1. Prohibition. Prohibits display of a fraudulent or inaccurate name or telephone number on a person’s caller identification service, with the following exceptions:

- the prohibition does not apply to a telecommunications service provider that implements, at no cost to subscribers, a technology that blocks such calls, as determined by the Office of the Attorney General;
- a provider that has received a waiver from the attorney general under subdivision 2, because implementation of call blocking was determined to be technically infeasible or financially burdensome; and

Section **Description**

- law enforcement and intelligence agencies, activities ordered by a court, health care providers, and domestic violence shelters are also exempt.

Subd. 2. Call blocking by telecommunications providers; annual certification.

Requires providers to submit annually to the attorney general evidence that the provider has implemented commercially available call blocking technologies at no cost to subscribers. The attorney general may issue a waiver to a provider who demonstrates that such implementation is technically infeasible or presents an undue financial burden.

Requires a provider to comply with a subscriber's request to block calls from a specific telephone number within 20 days of the request.

Prohibits the state of Minnesota from entering into a contract with a provider that the attorney general has determined is not in compliance with this subdivision.

5 **[325E.31] Remedies.**

Provides that an initial violation of section 325.281 does not result in a penalty unless it involves identity theft or theft by swindle. Subsequent violations may require a fine of up to \$1,000 per violation, unless a call results in identity theft or theft by swindle, in which case the penalty is more stringent, as provided in sections 6 and 7. A victim of a violation of section 325E.281 has a private right of action under this section, which is determined to be in the public interest.

6 **[609.52] Theft.**

Subd. 3. Sentence. Adds property obtained through swindle as a result of a call prohibited under section 325E.281 to the list of crimes punishable by imprisonment of up to five years and a maximum fine of \$10,000.

7 **Subd. 7. Penalties.** Makes identity theft accomplished as a result of a call prohibited under sections 325E.281 a felony, irrespective of the number of victims or value of the loss to victims, which is punishable by imprisonment of up to five years and a maximum fine of \$10,000.



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