

ASSEMBLY, No. 1590

STATE OF NEW JERSEY 219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

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SYNOPSIS

Prohibits manipulation of certain caller identification information.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 **AN ACT** concerning caller identification service and supplementing
2 P.L.1960, c.39 (C.56:8-1 et seq.).

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. As used in P.L. , c. (C.) (pending before the
8 Legislature as this bill):

9 “Caller identification information” means information provided
10 by a caller identification service regarding the telephone number,
11 location, organization, or other information regarding the
12 origination of a call or text message made using a
13 telecommunications service.

14 “Caller identification service” means any service or device
15 designed to provide the user of the service or device with the
16 telephone number of, or other information regarding the origination
17 of, a call or text message made using a telecommunications service,
18 and includes automatic number identification services.

19 "Telecommunications service" means the offering of voice
20 communications service or broadband service, including Voice over
21 Internet Protocol service as defined pursuant to section 3 of
22 P.L.2007, c.195 (C.48:17-34), directly to the public for a fee, or to
23 such classes of users as to be effectively available directly to the
24 public, regardless of the facilities used.

25

26 2. Consistent with the provisions of the federal “Truth in Caller
27 ID Act of 2009” (47 U.S.C. s.227(e)), or any other federal law, rule,
28 regulation, or order, it shall be an unlawful practice and a violation
29 of P.L.1960, c.39 (C.56:8-1 et seq.) for any person, in connection
30 with any telecommunications service used within this State, to
31 knowingly make, place, initiate, or otherwise transmit a call or text
32 message or engage in conduct that results in the display of
33 misleading, false, or inaccurate caller identification information on
34 the receiving party's telephone or circumvent a caller identification
35 service that is designed to allow the receiving party to identify
36 caller identification information regarding the origin and nature of
37 the call or text message with the intent to defraud, cause harm, or
38 wrongfully obtain anything of value.

39

40 3. a. Activity authorized pursuant to a court order or by a law
41 enforcement agency shall not be deemed to be an unlawful practice
42 pursuant to section 2 of P.L. , c. (C.) (pending before the
43 Legislature as this bill).

44 b. Nothing in P.L. , c. (C.) (pending before the
45 Legislature as this bill) shall be construed to:

46 (1) prevent or restrict any person from blocking the capability of
47 any caller identification service to transmit caller identification
48 information;

1 (2) authorize or prohibit any investigative, protective, or
2 intelligence activities performed in connection with official duties
3 and in accordance with all applicable laws, by any law enforcement
4 agency or intelligence agency of the United States, a state, or a
5 political subdivision of a state; or

6 (3) authorize any conduct prohibited pursuant to section 13 of
7 P.L.2005, c.283 (C.45:17A-30.1), section 10 of P.L.2003, c.76
8 (C.56:8-128), or any other law, rule, regulation, or order.

9
10 4. This act shall take effect on the first day of the fourth month
11 next following the date of enactment, but the Director of the
12 Division of Consumer Affairs in the Department of Law and Public
13 Safety may take anticipatory administrative action in advance
14 thereof as shall be necessary for the implementation of this act.

15 16 17 STATEMENT 18

19 This bill makes it an unlawful practice under the State's
20 consumer fraud act, P.L.1960, c.39 (C.56:8-1 et seq.), and
21 consistent with federal law, for any person, in connection with any
22 telecommunications service used within this State, to knowingly
23 make, place, initiate, or otherwise transmit a call or text message or
24 engage in conduct that results in the display of misleading, false, or
25 inaccurate caller identification (ID) information on the receiving
26 party's telephone or circumvent a caller identification service that is
27 designed to allow the receiving party to identify caller identification
28 information regarding the origin and nature of the call or text
29 message with the intent to defraud, cause harm, or wrongfully
30 obtain anything of value.

31 Under the bill, an activity authorized pursuant to a court order or
32 by a law enforcement agency would not be deemed an unlawful
33 practice. Additionally, the bill does not: 1) prevent or restrict any
34 person from blocking the capability of any caller ID service to
35 transmit caller ID information; 2) authorize or prohibit any
36 investigative, protective, or intelligence activities performed in
37 connection with official duties and in accordance with all applicable
38 laws, by any law enforcement agency or intelligence agency of the
39 United States, a state, or a political subdivision of a state; or 3)
40 authorize any conduct prohibited under current law, such as
41 allowing solicitors to use call blocking technology or telemarketers
42 to call customers on the "Do-Not-Call" registry.

43 An unlawful practice under the consumer fraud act is punishable
44 by a monetary penalty of not more than \$10,000 for a first offense
45 and not more than \$20,000 for any subsequent offense.
46 Additionally, violations can result in cease and desist orders issued
47 by the Attorney General, the assessment of punitive damages, and
48 the awarding of treble damages and costs to the injured party.