

THE HOUSE OF REPRESENTATIVES
Thursday, February 11, 2010

Committee Substitute for
House Bill No. 2316

COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 2316 - By: SMITHSON AND SHELTON of the House and BALLENGER of the Senate.

An Act relating to consumer protection; amending Section 3, Chapter 107, O.S.L. 2007 (15 O.S. Supp. 2009, Section 776.22), which relates to the Anti-Caller ID Spoofing Act; adding certain definitions; making it unlawful to sell certain spoofing calling cards and services; providing penalties; providing for codification; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

- 1 SECTION 1. AMENDATORY Section 3, Chapter 107, O.S.L. 2007 (15 O.S.
2 Supp. 2009, Section 776.22), is amended to read as follows:
3 Section 776.22 As used in the Anti-Caller ID Spoofing Act:
4 1. "Caller" means a person who places a call by a telephone or over a telephone line,
5 even if the person begins the call on a computer;
6 2. "Caller identification system" means a listing of a caller's name, telephone
7 number, or name and telephone number that is shown to a recipient of a call when the
8 recipient answers;
9 3. "Insert" means insert by voice communication, by written communication or by
10 otherwise entering into a computer; ~~and~~

1 4. "False information" means data that misrepresents the identity of the caller to
2 the recipient of a call; except that when a person making an authorized call on behalf of
3 another person inserts the name, telephone number or name and telephone number of
4 the person on whose behalf the call is being made, such information shall not be deemed
5 false information;

6 5. "Spoofing calling card" means an actual or virtual calling card that may be
7 purchased by a caller and allows the caller to dial a toll-free number and enter or change
8 the information that is to be displayed on a caller identification system; and

9 6. "Spoofing services" means a web-based service that may be purchased by a caller
10 and allows the caller to initiate a call from a computer and enter or change the
11 information that is to be displayed on a caller identification system.

12 SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma
13 Statutes as Section 776.24 of Title 15, unless there is created a duplication in numbering,
14 reads as follows:

15 A. It shall be unlawful for any person or entity to knowingly sell or offer to sell a
16 spoofing calling card or spoofing service to a caller who uses the calling card or service to
17 insert false information into a caller identification system with the intent to mislead,
18 harass, defraud or deceive the recipient of the telephone call.

19 B. Any person violating the provisions of this section shall be guilty of a
20 misdemeanor and, upon conviction, shall be imprisoned in the county jail for not more
21 than one (1) year or fined not more than Ten Thousand Dollars (\$10,000.00) per incident
22 or by both such fine and imprisonment.

1 C. All acts and practices declared to be unlawful in this section shall, in addition,
2 be violations of the Oklahoma Consumer Protection Act.

3 SECTION 3. This act shall become effective November 1, 2010.

4 COMMITTEE REPORT BY: COMMITTEE ON ECONOMIC DEVELOPMENT AND
5 FINANCIAL SERVICES, dated 02-10-10 - DO PASS, As Amended and Coauthored.