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SB-208 Consumer Call Protection Act of 2019. (2019-2020)

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Senate Bill No. 208

CHAPTER 471

An act to add Section 2893.5 to the Public Utilities Code, relating to communications.

[Approved by Governor October 02, 2019. Filed with Secretary of State October 02, 2019.]

LEGISLATIVE COUNSEL'S DIGEST

SB 208, Hueso. Consumer Call Protection Act of 2019.

Under existing law, the Public Utilities Commission has regulatory authority over public utilities, including telephone corporations. Existing law, with specified exceptions, directs the commission to require any call identification service offered by a telephone corporation, or by any other person or corporation that makes use of the facilities of a telephone corporation, to allow the caller to withhold, on an individual basis, the display of the caller's telephone number from the telephone instrument of the individual receiving the call. However, existing law prohibits a caller from withholding the display of the caller's business telephone number when that number is being used for telemarketing purposes.

Existing federal law, with certain exceptions, makes it unlawful for any person within the United States, in connection with any telecommunications service or internet protocol enabled voice service, to cause any caller identification service to knowingly transmit misleading or inaccurate caller identification information with the intent to defraud, cause harm, or wrongfully obtain anything of value and authorizes the chief legal officer of a state, or any other state officer authorized by law to bring actions on behalf of the residents of a state, to bring a civil action on behalf of the residents of the state in an appropriate district court of the United States to enforce this prohibition.

This bill would require a telecommunications service provider, on or before January 1, 2021, to implement specified technological protocols or alternative technology that provides comparable or superior capability to verify and authenticate caller identification for calls carried over an internet protocol network. The bill would authorize the commission and the Attorney General to bring an action pursuant to the above-described federal law and would authorize the commission, at the request of the Attorney General, to work with the Attorney General for the purpose of enforcing specified parts of that law.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. The Legislature finds and declares all of the following:

(a) It is the policy of the state to encourage the fair treatment of telecommunications consumers and provide a process for the equitable resolution of service problems.

(b) Consumers have experienced a rise in deceptive calls initiated by automatic dialing-announcing devices, commonly termed robocalls, aimed at defrauding telecommunications customers. According to the Federal Trade Commission, fraud generates the greatest number of consumer complaints on an annual basis, and 70 percent of these scams start with a telephone call.

(c) The rise of these deceptive practices has negatively impacted Californians' telecommunications services and additional action is needed to identify those engaging in deceptive robocalls and protect Californians, especially vulnerable populations, from imposters using telecommunications to defraud consumers.

SEC. 2. Section 2893.5 is added to the Public Utilities Code, to read:

2893.5. (a) This section shall be known, and may be cited, as the Consumer Call Protection Act of 2019.

(b) On or before January 1, 2021, each telecommunications service provider shall implement Secure Telephony Identity Revisited (STIR) and Secure Handling of Asserted information using toKENS (SHAKEN) protocols or alternative technology that provides comparable or superior capability to verify and authenticate caller identification for calls carried over an internet protocol network.

(c) (1) Pursuant to the authority granted to states in Section 227 of Title 47 of the United States Code, the commission and the Attorney General may take all appropriate actions to enforce that section and any regulation promulgated under that section.

(2) The commission may, at the request of the Attorney General, work with the Attorney General for the purposes of the enforcement of subdivisions (e) and (g) of Section 227 of Title 47 of the United States Code.

(d) A good faith effort to comply with the requirements of subdivision (b) shall be a defense to a claim for violating this section brought pursuant to Chapter 5 (commencing with Section 17200) of Part 2 of Division 7 of the Business and Professions Code.

SEC. 3. (a) Nothing in this act requires a telecommunications service provider to employ call blocking.

(b) Nothing in this act limits any right otherwise permitted by law.

(c) Nothing in this act expands the power or authority of the Public Utilities Commission other than as expressly provided in this act.