



HOUSE BILL 724: Truth in Caller ID Act.

2019-2020 General Assembly

Committee:	Senate Judiciary. If favorable, re-refer to Commerce and Insurance. If favorable, re-refer to Rules and Operations of the Senate	Date:	June 26, 2019
Introduced by:	Reps. Moore, Saine, Shepard, Humphrey	Prepared by:	Amy Darden*
Analysis of:	Second Edition		Committee Counsel

OVERVIEW: *House Bill 724 would regulate telephone solicitations made through text communications and would prohibit a telephone solicitor from misrepresenting the origin of the call by causing misleading information to be transmitted to users of caller identification technologies.*

CURRENT LAW: Article 4 of Chapter 75 of the General Statutes regulates telephone solicitations made through voice communications and does not currently regulate solicitations made through telephonic text messages. Among other things, Article 4 prohibits a telephone solicitor from knowingly using any method to block a telephone subscriber's caller identification service.

Persons who violate Article 4 are potentially subject to a civil penalty in the amount of \$500 for the first violation, \$1,000 for the second violation, and \$5,000 for any subsequent violation occurring within two years of the first violation, unless they show that the violations were the result of a mistake, in which event the penalty is \$100 for each violation occurring within two years of the first violation. In any action brought under this Article a prevailing plaintiff is entitled to treble damages and the court may award reasonable attorneys' fees if the court finds the defendant willfully engaged in the act or practice.

BILL ANALYSIS:

Section 1 of House Bill 724 would subject telephone solicitations made through text communications to the prohibitions and penalties provided in Article 4.

Section 2 would prohibit a telephone solicitor from causing misleading information to be transmitted to users of caller identification technologies or blocking or misrepresenting the origin of the solicitation. It would not be a violation of this prohibition for solicitors to use the name and number of the entity on whose behalf the solicitation is being made rather than the solicitor's name and number.

EFFECTIVE DATE: This act becomes effective December 1, 2019 and applies to offenses committed on or after that date.

**Bill Patterson, Staff Attorney, substantially contributed to this summary.*

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