

SENATE BILL 290

By Tracy

AN ACT to amend Tennessee Code Annotated, Title 29;  
Title 39, Chapter 17; Title 47, Chapter 18 and Title  
65, Chapter 4, Part 4, relative to caller  
identification spoofing.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 47, Chapter 18, is amended by adding the following language as a new part 16:

**47-18-1601.** This part shall be known and may be cited as the “Tennessee Truth in Caller ID Act.”

**47-18-1602.** As used in this part:

(1) “Automatic number identification”:

(A) Means a system that identifies the billing account for a call; and

(B) Includes an enhanced 911 service capability that enables the automatic display of the ten-digit number used to place a 911 call from a wire line, wireless, interconnected VoIP, or nontraditional telephone service;

(2) “Caller identification information” means information provided by a caller identification service regarding the telephone number, or other origination information, of a call made using a telecommunications service or an interconnected VoIP service;

(3) “Caller identification service”:

(A) Means any service or device designed to provide the user of the service or device with the telephone number, or other origination information, of a call made using a telecommunications service or an interconnected VoIP service; and

(B) Includes automatic number identification services;

(4) “Interconnected VoIP service” means an interconnected voice over Internet protocol service that:

- (A) Enables real-time, two-way voice communications;
- (B) Requires a broadband Internet connection from the user’s location;
- (C) Requires Internet protocol-compatible customer premises equipment;

and

(D) Permits users generally to receive calls that originate on the public switched telephone network and to terminate calls to the public switched telephone network;

(5) “Place of primary use” means the street address where a subscriber’s use of a telecommunications service or interconnected VoIP service primarily occurs, which shall be:

(A) The residential street address or the primary business street address of the subscriber or, in the case of a subscriber of interconnected VoIP service, the subscriber’s registered location; and

(B) Within the licensed service area of the provider;

(6) “Provider” means a person or entity that offers telecommunications service or interconnected VoIP service;

(7) “Registered location” means the most recent information obtained by an interconnected VoIP service provider that identifies the physical location of an end user;

(8) “Subscriber” means a person:

(A) Who subscribes to a caller identification service in connection with a telecommunications service or an interconnected VoIP service; and

(B) Whose place of primary use for the service described in subdivision

(8)(A) is located in this state; and

(9) “Telecommunications service” means the offering of telecommunications for a fee directly to the public, or to classes of users so as to be effectively available directly to the public, regardless of the facilities used.

**47-18-1603.**

(a) Except as provided in § 47-18-1604, it is an offense for a person, in connection with a telecommunications service or an interconnected VoIP service, to knowingly cause any caller identification service to transmit misleading or inaccurate caller identification information to a subscriber with the intent to defraud or cause harm to another person or to wrongfully obtain anything of value.

(b)

(1) A first violation of subsection (a) is a Class B misdemeanor.

(2) A second or subsequent violation of subsection (a) is a Class A misdemeanor; provided, that the second or subsequent violation occurs after a conviction has been obtained for the previous violation.

(c) Nothing in this section prohibits:

(1) Prosecution under any other law;

(2) A civil action brought by the attorney general and reporter pursuant to § 47-18-1605; or

(3) A civil action brought by an aggrieved person pursuant to § 47-18-1606.

**47-18-1604.** This part does not prohibit or restrict any of the following:

(1) Subject to § 65-4-403, blocking the capability of a caller identification service to transmit caller identification information;

(2) Any authorized law enforcement activity;

(3) Any lawfully authorized investigative, protective, or intelligence activity of:

- (A) The United States or an intelligence agency of the United States;
  - (B) This state or any political subdivision of this state; or
  - (C) Any other state or a political subdivision of that state;
- (4) A court order that specifically authorizes the use of caller identification manipulation; or
- (5) The right of the attorney general and reporter to bring a civil action under 47 U.S.C. § 227(e)(6) to enforce the federal Truth in Caller ID Act of 2009 (47 U.S.C. § 227).

**47-18-1605.**

(a) The attorney general and reporter may bring an action against a person who violates § 47-18-1603 to enjoin further violations and to recover a civil penalty of up to ten thousand dollars (\$10,000) per violation.

(b)

(1) Any civil penalty collected pursuant to this section shall be paid into the general fund of the state.

(2) The prevailing party is entitled to attorney's fees and reasonable and necessary expenses; provided, no court costs shall be taxed against the attorney general and reporter or this state in actions commenced under this section.

(c) Jurisdiction for an action brought pursuant to this section shall be in the chancery or circuit court of Davidson County.

**47-18-1606.**

(a) Except as provided in subsection (c), any person who is aggrieved by a violation of § 47-18-1603 may bring an action to enjoin further violations and for the recovery of the person's actual damages, including court costs, attorney's fees, and reasonable and necessary expenses, against any person who is responsible for or

knowingly participated in the violation. The injunctive relief available under this subsection (a) is in addition to any damages to which a person may be entitled.

(b) The action may be brought in the chancery or circuit court of Davidson County or in a court of competent jurisdiction where the alleged violation of § 47-18-1603 took place.

(c) A person does not have a cause of action against a provider for a violation of § 47-18-1603 unless the violation resulted from the provider's gross negligence or intentional wrongdoing.

SECTION 2. This act shall take effect July 1, 2015, the public welfare requiring it, and shall apply to prohibited conduct occurring on or after that date.