HOUSE BILL No. 2620

By Committee on Energy, Utilities and Telecommunications

2-11

AN ACT concerning consumer protection; relating to telecommunications spoofing; prohibiting the use or offering of technology that transmits inaccurate caller identification information.

Be it enacted by the Legislature of the State of Kansas:

Section 1. (a) No person or entity shall:
(1) Offer any spoofing technology for download, purchase or use in any electronic store, gateway, marketplace, application, website or any other means of downloading, purchasing or using such spoofing technology; or
(2) use spoofing technology in connection with any communications service, including any telecommunications, wireless, broadband or interconnected voice over internet protocol service.

(b) As used in this section "spoofing technology" means any application, software or technology that is used to knowingly cause a caller identification service to transmit false or misleading caller identification information with the intent to defraud, harass, cause harm or wrongfully obtain anything of value.

(c) This section shall not apply to:
(1) The blocking of caller identification information;
(2) any authorized activity of a law enforcement agency; or
(3) uses authorized pursuant to a court order.

(d) (1) The conduct prohibited by this section constitutes an unconscionable act or practice in violation of K.S.A. 50-627, and amendments thereto, and any person or entity who engages in such conduct shall be subject to the remedies and penalties provided by the Kansas consumer protection act.

(2) For the purposes of the remedies and penalties provided by the Kansas consumer protection act:
(A) The person or entity committing the conduct prohibited by this section shall be deemed the supplier, and the person or entity who is the victim of such conduct shall be deemed the consumer; and
(B) proof of a consumer transaction shall not be required.

(e) This section shall be a part of and supplemental to the Kansas consumer protection act.

Sec. 2. This act shall take effect and be in force from and after its
publication in the statute book.