

ENGROSSED HOUSE
BILL NO. 2316

By: Smithson, Shelton and
Hoskin of the House

And

Ballenger of the Senate

AN ACT relating to consumer protection;
amending Section <3>, Chapter <107>, O.S.L.
20<07> (<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:

SECTION 1. AMENDATORY Section <3>, Chapter <107>,
O.S.L. 20<07> (<15> O.S. Supp. 2009, Section <776.22>), is
amended to read as follows:

Section <776.22> As used in the Anti-Caller ID Spoofing
Act:

1. "Caller" means a person who places a call by a telephone
or over a telephone line, even if the person begins the call on
a computer;

2. "Caller identification system" means a listing of a
caller's name, telephone number, or name and telephone number

that is shown to a recipient of a call when the recipient answers;

3. "Insert" means insert by voice communication, by written communication or by otherwise entering into a computer; ~~and~~

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

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

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

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

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

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

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

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

Passed the House of Representatives the <16th> day of
<February>, 2010.

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of

Presiding Officer of the House
Representatives

Passed the Senate the ____ day of _____, 2010.

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Senate

Presiding Officer of the