

Sixty-sixth
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1161

Introduced by

Representatives B. Koppelman, Beadle, Jones, K. Koppelman, Louser, Schauer

Senators Hogue, Luick, Poolman, Schaible

1 A BILL for an Act to create and enact a new section to chapter 51-28 of the North Dakota
2 Century Code, relating to prohibiting ~~false~~inaccurate information from being entered into a
3 telephone caller identification system with the intent to ~~deceive, defraud, or mislead~~; and to
4 provide a penalty.

5 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

6 **SECTION 1.** A new section to chapter 51-28 of the North Dakota Century Code is created
7 and enacted as follows:

8 **Telephone caller identification system ~~deception~~fraud - Exceptions - Definitions.**

9 1. A person may not, in connection with any telecommunications service or internet
10 protocol enabled voice service, knowingly cause any telephone caller identification
11 system to:

12 a. ~~Enter false information, or cause false information to be entered, into a telephone-~~
13 ~~caller identification system with the intent to deceive, defraud, or mislead the-~~
14 ~~recipient of a call~~Transmit misleading or inaccurate caller identification

15 information with the intent to defraud or cause harm; or

16 b. ~~Place a call knowing false information was entered into the telephone caller-~~
17 ~~identification system with the intent to deceive, defraud, or mislead the recipient-~~
18 ~~of the call~~Use or display a telephone number the caller does not own or has not
19 received consent to use from the owner of the telephone number.

20 2. This section does not apply to:

21 a. The blocking of caller identification information;

22 b. A law enforcement agency of the federal, state, county, or municipal government;

23 c. An intelligence or security agency of the federal government; ~~or~~

1 d. A telecommunications, broadband, or voice over internet protocol service
2 provider acting solely as an intermediary for the transmission of telephone
3 service between the caller and the recipient.:

4 e. Activity engaged in under a court order that specifically authorizes the use of
5 caller manipulation; or

6 f. A caller who, based on the telephone number called, reasonably believes the
7 recipient of the call is not physically within the state.

8 3. Any person who receives a call in violation of subsection 1 may bring a civil action in a
9 court of this state in the county in which the call recipient resides to enjoin such action,
10 or for damages, or both. If the plaintiff prevails, the court must award the plaintiff the
11 plaintiff's actual damages or damages in an amount not less than five thousand dollars
12 and not more than ten thousand dollars per violation, whichever is greater. Each call is
13 a separate violation under this chapter. The court shall award the plaintiff's costs,
14 expenses, and reasonable attorney's fees. The relief provided in this section is in
15 addition to all remedies available to the attorney general under this chapter in any
16 investigation or action brought by the attorney general against the caller in the
17 plaintiff's private action. This section may not be interpreted to limit any other claims
18 the person may have against the caller or any other claims the attorney general may
19 bring under this chapter, chapter 51-15, or any other state or federal laws.

20 4. In addition to the remedies and penalties provided in this chapter, a person violating
21 subsection 1 is guilty of a class A misdemeanor, and the venue must be in the county
22 in which the call recipient received the call or the county in which the call recipient
23 resides.

24 5. As used in this section:

25 a. "Call" means any type of telephonic communication made using a public switched
26 telephone network, wireless cellular telephone service, or voice over internet
27 protocol service that has the capability of accessing users on the public switched
28 telephone network or a successor network.

29 b. "Caller" means a person that places a call, whether by telephone, over a
30 telephone line, or on a computer.

31 c. "Enter" means to input data into a computer or telephone system.

- 1 ~~_____ d. "False information" means data misrepresenting the identity of the caller to the~~
2 ~~recipient of a call. The term does not include when a person making an~~
3 ~~authorized call on behalf of another person inserts the name, telephone number,~~
4 ~~or name and telephone number of the person for which the call is being made.~~
5 ~~_____ e. "Defraud" means taking anything of value, including money, property, or time,~~
6 ~~without consent from the recipient of a call.~~
7 ~~_____ d. "Telephone caller identification system" means a listing of a caller's name,~~
8 ~~telephone number, or name and telephone number shown to a recipient of a call~~
9 ~~when it is received.~~