

LEGISLATIVE BILL 693

Approved by the Governor May 08, 2019

Introduced by Halloran, 33; Albrecht, 17; Bostelman, 23; Brandt, 32; Briese, 41; Clements, 2; Gragert, 40; Hansen, B., 16; Hilkemann, 4; Kolowski, 31; Kolterman, 24; Linehan, 39; Lowe, 37; McDonnell, 5; Murman, 38; Stinner, 48; Williams, 36; Erdman, 47; Slama, 1; Blood, 3.

A BILL FOR AN ACT relating to telecommunications; to prohibit the selling, renting, or conveying of telephone numbers as prescribed; to adopt the Neighbor Spoofing Protection Act; and to provide a civil penalty.
Be it enacted by the people of the State of Nebraska,

Section 1. (1) This section shall be known and may be cited as the Neighbor Spoofing Protection Act.

(2) No person shall, in connection with any telecommunications service or IP-enabled voice service, cause any caller identification service to knowingly transmit misleading or inaccurate caller identification information with the intent to defraud, cause harm, or wrongfully obtain anything of value.

(3) Nothing in this section shall be construed to prevent or restrict any person from blocking the capability of any caller identification service to transmit caller identification information.

(4) This section shall not apply:

(a) To any authorized activity of a law enforcement agency;

(b) When a court order specifically authorizes the use of caller identification manipulation; or

(c) To any provider of telecommunications services, broadband services, or Internet services, as those terms are defined in section 86-593, if such provider is acting in a manner that is authorized or required by federal law.

(5) Except as provided in this section, local exchange carriers and telecommunications carriers shall not be responsible for enforcement of this section.

(6)(a) Notwithstanding section 75-156, the Public Service Commission may, after hearing, impose an administrative penalty for a violation of this section. The penalty for a violation shall not exceed two thousand dollars. Every violation associated with a specific telephone number within the state shall be considered a separate and distinct violation.

(b) The amount of an administrative penalty shall be based on:

(i) The nature, circumstances, extent, and gravity of a prohibited act;

(ii) The history of previous violations;

(iii) The amount necessary to deter future violations; and

(iv) Any efforts to correct the violation.

(c) The commission shall remit any administrative penalty collected under this section to the State Treasurer for distribution in accordance with Article VII, section 5, of the Constitution of Nebraska.

(d) Any administrative penalty may be appealed. The appeal shall be in accordance with section 75-136.

(7) Notwithstanding subsection (6) of this section, a violation of this section shall be considered a violation of section 59-1602 and be subject to the Consumer Protection Act and any other law which provides for the implementation and enforcement of section 59-1602. A violation of this section does not give rise to a private cause of action.