

PRELIMINARY STAFF MEASURE SUMMARY**CARRIER:**

House Committee on Consumer Protection and Government Effectiveness

REVENUE: No revenue impact**FISCAL: May have fiscal impact, statement not yet issued****SUBSEQUENT REFERRAL TO: None****Action:****Vote:****Yeas:****Nays:****Exc.:****Prepared By:** Wendy Simons, Administrator**Meeting Dates:**

WHAT THE MEASURE DOES: Requires caller using automatic dialing and announcing devices to include in the message an accurate and truthful identification of the caller and contact information for notifying caller that subscriber does not want to receive future calls from caller. Prohibits callers from including telephone numbers of subscribers who have notified caller that they do not want future calls on list used by autodialing device.

ISSUES DISCUSSED:**EFFECT OF COMMITTEE AMENDMENT:**

Proposed -3 amendment: Requires that callers using an automatic dialing and announcing device must provide, within first 10 seconds, a method for subscriber being called to notify caller via a single signal or code that subscriber does not wish to receive future calls from caller. Allows prosecuting attorney to require person believed to have information about unlawful robocalls to testify and provide evidence as part of investigation.

BACKGROUND: The Federal Communications Commission (FCC) defines “robocalls” as unsolicited prerecorded telemarketing calls to landline home telephones, and all autodialed or prerecorded calls or text messages to wireless numbers. FCC rules require a business to obtain a consumer’s written consent before making prerecorded telemarketing calls to a residential phone number or prerecorded telemarketing calls or texts to a wireless number. Other types of autodialed calls to landline phones are not prohibited, including informational messages such as school closings, market research or polling calls, and calls on behalf of tax-exempt nonprofit groups. FCC rules require all prerecorded calls to identify the caller at the beginning of the message and include a contact phone number. All autodialed or prerecorded non-emergency calls to wireless phones are prohibited without prior consent, regardless of content.

House Bill 3031 provides that callers using automatic dialing and announcing devices must include in the message played a truthful identification of the caller and contact information for notifying the caller that the subscriber does not want to receive future calls from the caller. Callers may not use automatic dialing and announcing devices unless they exclude subscribers who have notified the caller that they do not want future calls. Violations of state laws governing robocalls are subject to enforcement by the Attorney General or district attorney.