

State of Wisconsin



2023 Senate Bill 531

Date of enactment:
Date of publication*:

2023 WISCONSIN ACT

AN ACT *to renumber* 100.52 (6); *to amend* 100.52 (10) (a) and 100.52 (10) (b); and *to create* 100.52 (1) (bd), 100.52 (4) (a) 4., 100.52 (4) (a) 5., 100.52 (6) (c), 100.52 (10) (c) and 100.523 of the statutes; **relating to:** caller identification spoofing, granting rule-making authority, and providing a penalty.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 100.52 (1) (bd) of the statutes is created to read:

100.52 (1) (bd) "Caller identification record" means a record that is delivered electronically to the recipient of a telephone call or text message simultaneously with the reception of the telephone call or text message and that indicates the telephone number from which the telephone call or text message was initiated or similar information regarding the telephone call or text message.

SECTION 2. 100.52 (4) (a) 4. of the statutes is created to read:

100.52 (4) (a) 4. When making a telephone solicitation, block the transmission of a caller identification record.

SECTION 3. 100.52 (4) (a) 5. of the statutes is created to read:

100.52 (4) (a) 5. When making a telephone solicitation, knowingly transmit a misleading or inaccurate caller identification record, except that a telephone solicitor or an employee or contractor of a telephone solicitor may transmit the name of the seller on whose behalf the telephone solicitation is being made and the seller's customer service telephone number if an individual may call

that number to make a do-not-call request during regular business hours.

SECTION 4. 100.52 (6) of the statutes is renumbered 100.52 (6) (am).

SECTION 5. 100.52 (6) (c) of the statutes is created to read:

100.52 (6) (c) Subsection (4) (a) 5. does not apply to the transmission of a caller identification record in connection with the authorized activity of a law enforcement agency or a court order that specifically authorizes the manipulation of a caller identification record.

SECTION 6. 100.52 (10) (a) of the statutes is amended to read:

100.52 (10) (a) Except as provided in par. (b) or (c), a person who violates this section may be required to forfeit \$100 for each violation.

SECTION 7. 100.52 (10) (b) of the statutes is amended to read:

100.52 (10) (b) A telephone solicitor that violates sub. (4) (a) 1. to 3., (b), (c), or (d) may be required to forfeit not more than \$100 for each violation.

SECTION 8. 100.52 (10) (c) of the statutes is created to read:

100.52 (10) (c) A telephone solicitor that violates sub. (4) (a) 4. or 5. shall forfeit not less than \$100 nor more than \$10,000 for each violation.

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

SECTION 9. 100.523 of the statutes is created to read:

100.523 Caller identification spoofing. (1) DEFINITION. In this section, “caller identification record” has the meaning given in s. 100.52 (1) (bd).

(2) PROHIBITION. Except as provided in sub. (3), no person may, in connection with any telecommunications service, knowingly transmit a misleading or inaccurate caller identification record with the intent to defraud or wrongfully obtain anything of value, including personally identifiable information.

(3) EXEMPTIONS. The prohibition in sub. (2) does not apply to any of the following:

(a) The transmission of a caller identification record in connection with the authorized activity of a law enforcement agency or a court order that specifically authorizes the manipulation of a caller identification record.

(b) A provider of telecommunications service, Internet access service, or voice over Internet protocol service that is engaged in any of the following:

1. Acting in the service provider’s capacity as an intermediary for the transmission of telephone service between the caller and the recipient.

2. Providing or configuring a service or service feature as requested by the customer.

3. Acting in a manner that is authorized or required by law.

(4) RULES. The department may promulgate rules to administer and enforce this section.

(5) ENFORCEMENT. The department shall investigate violations of this section and may bring an action for temporary or permanent injunctive or other relief for any violation of this section.

(6) PENALTY. A person who violates sub. (2) shall forfeit not less than \$100 nor more than \$10,000 for each violation.

SECTION 10. Nonstatutory provisions.

(1) The legislature recognizes that telecommunications providers have the ability to block voice calls consistent with federal law and rules promulgated by the federal communications commission, in particular rule FCC 17–151, adopted November 16, 2017, which provides the following:

(a) A telecommunications provider may block the following types of calls so that they do not reach a called party:

1. A voice call if the customer to which the originating number is assigned has requested that calls purporting to originate from that number be blocked.

2. A voice call purporting to originate from a North American Numbering Plan number that is not valid; a valid North American Numbering Plan number that is not allocated to a provider; or a valid North American Numbering Plan number that is allocated to a provider but that is not used, if the provider blocking the calls is the provider to which the number is allocated and confirms that the number is not used, or if the provider blocking the calls obtains verifications from the provider to which the number is allocated that the number is not used.

(b) A provider may not block a voice call placed to 911 under par. (a) 1. or 2.

(c) For purposes of this subsection, a provider may rely on caller identification to determine the purported originating number without regard to whether the call in fact originated from that number.

SECTION 11. Effective date.

(1) This act takes effect on the first day of the 13th month beginning after publication.