



Senate

General Assembly

File No. 16

January Session, 2011

Substitute Senate Bill No. 98

Senate, March 1, 2011

The Committee on Energy and Technology reported through SEN. FONFARA of the 1st Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT PROHIBITING SPOOFING AND CRAMMING.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2011*) (a) As used in this
2 section, "telephone" means any device used by a person for voice
3 communications in connection with the services of a telephone
4 company, whether such voice communications are transmitted in
5 analog, data or any other form, and "telephone company" means any
6 company that provides commercial telephone services, irrespective of
7 the communications technology used to provide such service,
8 including, but not limited to, traditional wireline or cable telephone
9 service, cellular, broadband PCS or other wireless telephone service,
10 microwave, satellite or other terrestrial telephone service and voice
11 over Internet telephone service.

12 (b) No person shall use any device to change the name or telephone
13 number on a caller identification display on the telephone that such
14 person is calling with the intent to defraud or cause harm to another.

15 This subsection shall not prohibit (1) any shelter facility for victims of
16 domestic violence from using such a device, or (2) any person from
17 using a call blocking service provided by such person's telephone
18 company.

19 (c) A violation of the provisions of this section shall be deemed an
20 unfair or deceptive trade practice under subsection (a) of section 42-
21 110b of the general statutes.

22 Sec. 2. (NEW) (*Effective October 1, 2011*) (a) No telecommunications
23 company, as defined in section 16-1 of the general statutes, shall charge
24 a customer for any telecommunications service without the
25 authorization of the customer to receive and be charged for such
26 service.

27 (b) A violation of the provisions of this section shall be deemed an
28 unfair or deceptive trade practice under subsection (a) of section 42-
29 110b of the general statutes.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2011</i>	New section
Sec. 2	<i>October 1, 2011</i>	New section

ET *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 12 \$	FY 13 \$
Consumer Protection, Dept.	GF - None	None	None
Consumer Protection, Dept.	GF - Potential Revenue Gain	less than \$5,000	less than \$5,000

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill results in no cost to the Department of Consumer Protection as the number of complaints concerning spoofing and cramming are anticipated to be few in number. Any violations would be subject to the Connecticut Unfair Trade Practice Act (CUTPA) and since only a few violations are anticipated a potential minimal revenue gain exists due to allowable civil penalties of up to \$5,000. Any civil penalties would be deposited in to the General Fund.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

OLR Bill Analysis**sSB 98*****AN ACT PROHIBITING SPOOFING AND CRAMMING.*****SUMMARY:**

This bill bans people from using a device to change the name or telephone number that appears on a phone call recipient's caller ID with intent to defraud or cause harm. The ban does not apply to domestic violence shelters or people using call blocking services provided by their telephone company. A "telephone company" is any company that provides traditional wireline or other telecommunication services.

The bill also bans telecommunications companies from charging a customer for any services the customer did not authorize.

Violation of either ban is an unfair trade practice.

EFFECTIVE DATE: October 1, 2011

BACKGROUND***Unfair Trade Practice***

The Connecticut Unfair Trade Practice Act (CUTPA) allows the consumer protection commissioner to investigate complaints, issue cease and desist orders, enter into consent agreements, ask the attorney general to seek injunctive relief, and accept voluntary statements of compliance. CUTPA also allows individuals to sue. Courts may award actual and punitive damages, costs, and reasonable attorney's fees; and impose civil penalties of up to \$5,000 for each willful violation.

COMMITTEE ACTION

Energy and Technology Committee

Joint Favorable Substitute

Yea 20 Nay 0 (02/15/2011)