

AMENDMENTS TO LB693

Introduced by Halloran, 33.

1 1. Strike original section 1 and insert the following new section:

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

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

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

12 (4) This section shall not apply:

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

14 (b) When a court order specifically authorizes the use of caller
15 identification manipulation.

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

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

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

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

27 (ii) The history of previous violations;

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

2 (iv) Any efforts to correct the violation.

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

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

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