

IC 24-5-14.5

Chapter 14.5. False or Misleading Caller Identification

IC 24-5-14.5-1

Applicability

Sec. 1. This chapter applies to the transmission of information through a caller identification service with respect to calls made after June 30, 2013, to a subscriber.

As added by P.L.151-2013, SEC.8.

IC 24-5-14.5-2

"Caller identification information"

Sec. 2. As used in this chapter, "caller identification information" means information provided by a caller identification service regarding the telephone number of, or other information regarding the origination of, a call made using a telecommunications service or interconnected VOIP service.

As added by P.L.151-2013, SEC.8.

IC 24-5-14.5-3

"Caller identification service"

Sec. 3. (a) As used in this chapter, "caller identification service" means any service or device designed to provide the user of the service or device with the telephone number of, or other information regarding the origination of, a call made using a telecommunications service or interconnected VOIP service.

(b) The term includes automatic number identification (as defined in 47 CFR 20.3) services.

As added by P.L.151-2013, SEC.8.

IC 24-5-14.5-4

"Interconnected VOIP service"

Sec. 4. As used in this chapter, "interconnected VOIP service" has the meaning set forth in 47 CFR 9.3.

As added by P.L.151-2013, SEC.8.

IC 24-5-14.5-5

"Place of primary use"

Sec. 5. As used in this chapter, "place of primary use" means the street address representative of where a subscriber's use of a telecommunications service or interconnected VOIP service primarily occurs, which must be:

- (1) the residential street address or the primary business street address of the subscriber or, in the case of a subscriber of interconnected VOIP service, the subscriber's registered location (as defined in 47 CFR 9.3);
- (2) within the licensed service area of the provider; and
- (3) in the case of:

(A) mobile telecommunications service, determined in the manner provided in IC 6-8.1-15; and

(B) nonmobile telecommunications communications service, determined in the manner provided in IC 6-2.5-12.

As added by P.L.151-2013, SEC.8.

IC 24-5-14.5-6

"Provider"

Sec. 6. As used in this chapter, "provider" means a person that offers telecommunications service or interconnected VOIP service.

As added by P.L.151-2013, SEC.8.

IC 24-5-14.5-7

"Subscriber"

Sec. 7. As used in this chapter, "subscriber" means a person:

(1) that subscribes to a caller identification service in connection with:

(A) a telecommunications service; or

(B) an interconnected VOIP service;

to which the person subscribes; and

(2) whose place of primary use for the service described in subdivision (1)(A) or (1)(B) is in Indiana.

As added by P.L.151-2013, SEC.8.

IC 24-5-14.5-8

"Telecommunications service"

Sec. 8. As used in this chapter, "telecommunications service" has the meaning set forth in 47 U.S.C. 153.

As added by P.L.151-2013, SEC.8.

IC 24-5-14.5-9

Prohibited acts; transmitting misleading or inaccurate caller identification information

Sec. 9. Except as provided in section 10 of this chapter, a person shall not, in connection with any telecommunications service or interconnected VOIP service, knowingly and with the intent to defraud or cause harm to another person or to wrongfully obtain anything of value, cause any caller identification service to transmit misleading or inaccurate caller identification information to a subscriber.

As added by P.L.151-2013, SEC.8.

IC 24-5-14.5-10

Exceptions

Sec. 10. This chapter does not prohibit or restrict any of the following:

(1) Subject to IC 24-5-12-25, blocking the capability of a caller identification service to transmit caller identification

information.

(2) Any authorized activity of a law enforcement agency.

(3) Any lawfully authorized investigative, protective, or intelligence activity of:

(A) the United States or an intelligence agency of the United States;

(B) the state or a political subdivision of the state; or

(C) any other state or a political subdivision of that state.

(4) A court order that specifically authorizes the use of caller identification manipulation.

(5) The right of the attorney general to bring a civil action under 47 U.S.C. 227(e)(6) to enforce the federal Truth in Caller ID Act of 2009 (47 U.S.C. 227).

As added by P.L.151-2013, SEC.8.

IC 24-5-14.5-11

Knowing violations; Class B misdemeanor; Class A misdemeanor

Sec. 11. A person who knowingly violates this chapter commits a Class B misdemeanor. However, the offense is a Class A misdemeanor if the person has a previous unrelated conviction under this chapter.

As added by P.L.151-2013, SEC.8.

IC 24-5-14.5-12

Violation a deceptive act; knowing or intentional violations; civil penalty

Sec. 12. (a) Except as provided in subsection (b), a person who violates this chapter commits a deceptive act that is:

(1) actionable by the attorney general under IC 24-5-0.5-4(c); and

(2) subject to the remedies and penalties set forth in IC 24-5-0.5.

An action by the attorney general for a violation of this chapter may be brought in the circuit or superior court of Marion County.

(b) If the attorney general brings an action under this section and proves by a preponderance of the evidence that a person has knowingly or intentionally violated section 9 of this chapter, the attorney general may recover from the person on behalf of the state a civil penalty of not more than ten thousand dollars (\$10,000) per violation. A civil penalty recovered under this subsection shall be deposited in the consumer protection division telephone solicitation fund established by IC 24-4.7-3-6 to be used for the administration and enforcement of this chapter.

As added by P.L.151-2013, SEC.8.

IC 24-5-14.5-13

Cause of action; damages; injunctive relief

Sec. 13. (a) Except as provided in section 14 of this chapter, any

person who is aggrieved by a violation of this chapter may bring an action for the recovery of the person's actual damages, including court costs and attorney's fees, against any person:

(1) responsible for; or

(2) who knowingly participated in;

the violation. An action under this subsection may be brought in the circuit or superior court of the aggrieved person's county of residence or principal place of business in Indiana.

(b) Upon petition by any person that another person has violated this chapter, the circuit or superior court of the petitioner's county of residence or principal place of business in Indiana may enjoin the respondent from further violations. The injunctive relief available under this subsection is in addition to any damages to which a person may be entitled under subsection (a).

As added by P.L.151-2013, SEC.8.

IC 24-5-14.5-14

Cause of action; gross negligence or intentional wrongdoing

Sec. 14. A person does not have a cause of action against a provider for a violation of this chapter unless the violation resulted from the provider's gross negligence or intentional wrongdoing.

As added by P.L.151-2013, SEC.8.