

Sixty-sixth
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1161

Introduced by

Representatives B. Koppelman, Beadle, Jones, K. Koppelman, Louser, Schauer

Senators Hogue, Luick, Poolman, Schaible

1 A BILL for an Act to create and enact a new section to chapter 51-28 of the North Dakota
2 Century Code, relating to prohibiting false information from being entered into a telephone caller
3 identification system with the intent to deceive, defraud, or mislead; and to provide a penalty.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1.** A new section to chapter 51-28 of the North Dakota Century Code is created
6 and enacted as follows:

7 **Telephone caller identification system deception - Exceptions - Definitions.**

8 1. A person may not:

9 a. Enter false information, or cause false information to be entered, into a telephone
10 caller identification system with the intent to deceive, defraud, or mislead the
11 recipient of a call; or

12 b. Place a call knowing false information was entered into the telephone caller
13 identification system with the intent to deceive, defraud, or mislead the recipient
14 of the call.

15 2. This section does not apply to:

16 a. The blocking of caller identification information;

17 b. A law enforcement agency of the federal, state, county, or municipal government;

18 c. An intelligence or security agency of the federal government; or

19 d. A telecommunications, broadband, or voice over internet protocol service
20 provider acting solely as an intermediary for the transmission of telephone
21 service between the caller and the recipient.

22 3. Any person who receives a call in violation of subsection 1 may bring a civil action in a
23 court of this state in the county in which the call recipient resides to enjoin such action,
24 or for damages, or both. If the plaintiff prevails, the court must award the plaintiff the

1 plaintiff's actual damages or damages in an amount not less than five thousand dollars
2 and not more than ten thousand dollars per violation, whichever is greater. Each call is
3 a separate violation under this chapter. The court shall award the plaintiff's costs,
4 expenses, and reasonable attorney's fees. The relief provided in this section is in
5 addition to all remedies available to the attorney general under this chapter in any
6 investigation or action brought by the attorney general against the caller in the
7 plaintiff's private action. This section may not be interpreted to limit any other claims
8 the person may have against the caller or any other claims the attorney general may
9 bring under this chapter, chapter 51-15, or any other state or federal laws.

10 3.4. In addition to the remedies and penalties provided in this chapter, a person violating
11 subsection 1 is guilty of a class A misdemeanor, and the venue must be in the county
12 in which the call recipient received the call or the county in which the call recipient
13 resides.

14 4.5. As used in this section:

- 15 a. "Call" means any type of telephonic communication made using a public switched
16 telephone network, wireless cellular telephone service, or voice over internet
17 protocol service that has the capability of accessing users on the public switched
18 telephone network or a successor network.
- 19 b. "Caller" means a person that places a call, whether by telephone, over a
20 telephone line, or on a computer.
- 21 c. "Enter" means to input data into a computer or telephone system.
- 22 d. "False information" means data misrepresenting the identity of the caller to the
23 recipient of a call. The term does not include when a person making an
24 authorized call on behalf of another person inserts the name, telephone number,
25 or name and telephone number of the person for which the call is being made.
- 26 e. "Telephone caller identification system" means a listing of a caller's name,
27 telephone number, or name and telephone number shown to a recipient of a call
28 when it is received.