

JAN 21 2022

A BILL FOR AN ACT

RELATING TO ROBOCALLS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Chapter 480, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§480- Robocalls and spoofing providers. (a) When
5 utilized in connection with the sale or advertisement of any
6 goods, services, or charitable solicitation, the following is
7 unlawful:

8 (1) Knowingly or negligently display or cause to be
9 displayed a fictitious or misleading name or telephone
10 number on a Hawaii resident's caller identification
11 service; or

12 (2) Using a third party to knowingly or negligently
13 display or cause to be displayed a fictitious or
14 misleading name or telephone number on a Hawaii
15 resident's caller identification service.

16 (b) It is unlawful for a person, in connection with a
17 telecommunication service, to knowingly or negligently cause a



1 caller identification service to transmit misleading or
2 inaccurate caller identification information if the purpose is
3 to defraud, cause harm, or wrongfully obtain anything of value.

4 (c) It is unlawful for a person, in connection with a
5 telecommunication service, to knowingly or negligently cause a
6 caller identification service to transmit misleading or
7 inaccurate caller identification information unless the person
8 has verified that the caller has a right to use the name and the
9 phone number displayed.

10 (d) It is unlawful for a telecommunications service to
11 knowingly or negligently permit or cause a caller identification
12 service or device to display the name or telephone number of the
13 recipient.

14 (e) This section shall not prohibit:

15 (1) An authorized activity of a law enforcement agency;

16 (2) Any investigative, protective, or intelligence
17 activity of a law enforcement agency, including a law
18 enforcement agency of the United States, another
19 state, or a political subdivision of another state, an
20 intelligence agency of the United States, or a
21 protective services shelter or facility, including



1 without limitation a domestic violence shelter, from
2 transmitting or causing to be transmitted, an
3 inaccurate telecommunications number;

4 (3) A telecommunication service from blocking or
5 restricting the name or phone number from being
6 displayed by caller identification equipment or
7 devices; or

8 (4) Any activity pursuant to a court order that
9 specifically authorized the use of caller
10 identification manipulation."

11 SECTION 2. Section 480-16, Hawaii Revised Statutes, is
12 amended by amending subsection (a) to read as follows:

13 "(a) Any person who violates section 480-4, 480-6, 480-9,
14 ~~[or]~~ 480-17, or 480- , including any principal, manager,
15 director, officer, agent, servant, or employee, who had engaged
16 in or has participated in the determination to engage in an
17 activity that has been engaged in by any association, firm,
18 partnership, trust or corporation, which activity is a violation
19 of section 480-4, 480-6, 480-9, ~~[or]~~ 480-17, or 480- , is
20 punishable if a natural person by a fine not exceeding \$100,000
21 or by imprisonment not exceeding three years, or by both such



S.B. NO. 2212

1 fine and imprisonment, in the discretion of the court; if the
2 person is not a natural person then by a fine not exceeding
3 \$1,000,000."

4 SECTION 3. Statutory material to be repealed is bracketed
5 and stricken. New statutory material is underscored.

6 SECTION 4. This Act shall take effect upon its approval.

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INTRODUCED BY:

A handwritten signature in black ink, appearing to read "Bennett E. Hinkley", is written over a horizontal line.

S.B. NO. 2212

Report Title:

Robocalls; Telecommunication Service Providers; Unlawful Activity

Description:

Holds telecommunication service providers and third party spoofing providers accountable by making certain robocalls and spoofing unlawful.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

