**A** **BILL**

TO AMEND CHAPTER 20, TITLE 37 OF THE 1976 CODE, RELATING TO CONSUMER IDENTITY THEFT PROTECTION, BY ADDING SECTION 37‑20‑210, TO PROHIBIT A TELEMARKETER OR TELEPHONE SOLICITOR FROM MAKING A CONSUMER TELEPHONE CALL WITH A SPOOFED TELEPHONE NUMBER THAT DISPLAYS A SOUTH CAROLINA AREA CODE ON THE RECIPIENT’S CALLER IDENTIFICATION SYSTEM UNLESS THE TELEMARKETER OR TELEPHONE SOLICITOR MAINTAINS A PHYSICAL PRESENCE IN THE STATE, TO PROVIDE REMEDIES FOR VIOLATIONS, TO PROVIDE EXCEPTIONS, AND TO DEFINE NECESSARY TERMS.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Chapter 20, Title 37 of the 1976 Code is amended by adding:

“Section 37‑20‑210. (A) As used in this section:

(1) ‘Consumer telephone call’ means a call made by a telephone solicitor for the purpose of:

(a) soliciting a sale of consumer goods or services to the person called;

(b) soliciting an extension of credit for consumer goods or services to the person called; or

(c) obtaining information that will or may be used for the direct solicitation of a sale of consumer goods or services to the person called or an extension of credit for these purposes.

(2) ‘Physical presence in the State’ means owning, leasing, subleasing, or by any other means occupying a physical space or location within South Carolina for the purpose of engaging in or transacting business, commercial, or economic activity for financial profit or gain.

(3) ‘Spoof,’ ‘spoofed,’ or ‘spoofing’ means falsifying the name or phone number appearing on caller identification systems.

(4) ‘Telemarketer’ or ‘telephone solicitor’ means an individual, business, firm or organization, partnership, association, or corporation that makes or causes to be made a consumer telephone call.

(B) Notwithstanding another provision of law, a telemarketer or a telephone solicitor may not make, place, or initiate a consumer telephone call with a spoofed telephone number that displays a South Carolina area code on the recipient’s caller identification system unless the telemarketer or telephone solicitor making, placing, or initiating the consumer telephone call maintains a physical presence in the State.

(C) In addition to other available civil remedies:

(1) the proper issuing authority may revoke the business license of a telemarketer or telephone solicitor that violates the provisions of this section; and

(2) a person who suffers damages or loss pursuant to a violation of subsection (B) may bring a civil action against the offending telemarketer or telephone solicitor for compensatory damages and injunctive relief or other equitable relief.

(D) The provisions of this section do not apply to:

(1) the legitimate law enforcement use of this procedure by the South Carolina Law Enforcement Division or another South Carolina state or local law enforcement agency;

(2) a person or entity that places a call and blocks or otherwise prevents the delivery of a telephone number to a call recipient’s caller identification display;

(3) a person or entity that places an authorized call on behalf of another person or entity and inserts a telephone number identified with the person or entity on behalf of whom the call is being placed; or

(4) a communications service provider that delivers a communication originated by another person or entity.”

SECTION 2. This act takes effect upon approval by the Governor.

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