

Honolulu, Hawaii
, 2022

MAR 18

RE: S.B. No. 2212
S.D. 2
H.D. 1

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirty-First State Legislature
Regular Session of 2022
State of Hawaii

Sir:

Your Committee on Consumer Protection & Commerce, to which
was referred S.B. No. 2212, S.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO ROBOCALLS,"

begs leave to report as follows:

The purpose of this measure is to make it unlawful to
knowingly or negligently:

- (1) Display or cause to be displayed, either directly or
through a third party, a fictitious or misleading name
or telephone number on a Hawaii resident's caller
identification service; and
- (2) Cause a caller identification service to transmit
misleading or inaccurate caller identification
information.

Your Committee received testimony in support of this measure
from the Department of Commerce and Consumer Affairs and one
individual. Your Committee received testimony in opposition to
this measure from CTIA. Your Committee received comments on this
measure from the Department of the Attorney General, Executive
Office on Aging, Hawaiian Telcom, and Charter Communications.



Your Committee finds that fraudulent robocalls are a pervasive problem in Hawaii and the rest of the nation. Nearly sixty million Americans say that they have fallen victim to a phone scam in the past year, like the calls purporting to be from the Internal Revenue Service or a company inquiry about an expiring warranty on a nonexistent car. In total, Americans have been swindled out of more than \$30,000,000,000 over the past year, according to a survey conducted by TrueCaller and The Harris Poll.

Your Committee further finds that Hawaii consumers have been victimized by the practice commonly referred to as spoofing. Spoofing is when scammers disguise their identity by deliberately falsifying the information transmitted to the caller identification display, in an attempt to make calls less easily traceable. Also, scammers try to trick people into picking up a call by using so-called neighbor spoofing, which makes it appear as though the number is a local one that they may already know or trust.

Under the federal Truth in Caller ID Act, the Federal Communications Commission's rules prohibit any person or entity from transmitting misleading or inaccurate caller identification information with the intent to defraud, cause harm, or wrongly obtain anything of value. Illegal spoofers can face fines of up to \$10,000 per violation of the law. This measure will prohibit under state law the same practices that are already regulated by the federal Truth in Caller ID Act, which will provide another tool for state law enforcement to hold violators accountable.

Your Committee has amended this measure by:

- (1) Specifying that the exemption for a voice service provider applies when the voice service provider submits a certificate of compliance to the Federal Communications Commission in accordance with the Commission's federal regulations, rather than in accordance with the federal Pallone-Thune TRACED Act; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

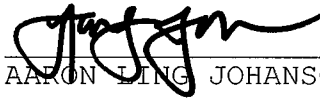
Your Committee respectfully requests that your Committee on Judiciary & Hawaiian Affairs, should it deliberate on this



measure, evaluate whether the provisions in this measure violate the constitutional limitations of a single subject title or would be subject to a dormant Commerce Clause challenge.

As affirmed by the record of votes of the members of your Committee on Consumer Protection & Commerce that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2212, S.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2212, S.D. 2, H.D. 1, and be referred to your Committee on Judiciary & Hawaiian Affairs.

Respectfully submitted on
behalf of the members of the
Committee on Consumer
Protection & Commerce,



AARON LING JOHANSON, Chair



State of Hawaii
House of Representatives
The Thirty-first Legislature

HSR 1116-22

Record of Votes of the Committee on Consumer Protection & Commerce

| | | | | |
|--|---|-------------------------|-------------|----------------|
| Bill/Resolution No.: SB 2212, SD2 | Committee Referral: CPC, JHA, FIN | Date: 3/16/22 | | |
| <input type="checkbox"/> The committee is reconsidering its previous decision on the measure. | | | | |
| The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit) | | | | |
| CPC Members | Ayes | Ayes (WR) | Nays | Excused |
| 1. JOHANSON, Aaron Ling (C) | ✓ | | | |
| 2. KITAGAWA, Lisa (VC) | ✓ | | | |
| 3. AQUINO, Henry J.C. | ✓ | | | |
| 4. HAR, Sharon E. | ✓ | | | |
| 5. HASHEM, Mark J. | ✓ | | | |
| 6. KONG, Sam Satoru | ✓ | | | |
| 7. MIZUNO, John M. | ✓ | | | |
| 8. MORIKAWA, Dee | ✓ | | | |
| 9. ONISHI, Richard H.K. | ✓ | | | |
| 10. TARNAS, David A. | ✓ | | | |
| 11. MATSUMOTO, Lauren | ✓ | | | |
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| TOTAL (11) | 11 | 0 | 0 | 0 |
| The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. committee acronym(s) | | | | |
| Vice Chair's or designee's signature: <i>Dee Morikawa</i> | | | | |
| Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO | | | | |