STATE OF NEW YORK

4281--A

2021-2022 Regular Sessions

IN SENATE

February 3, 2021

Introduced by Sen. KAMINSKY -- read twice and ordered printed, and when printed to be committed to the Committee on Energy and Telecommunications -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the general business law, in relation to requiring STIR/SHAKEN authentication framework

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The general business law is amended by adding a new section 399-z-1 to read as follows:

§ 399-z-1. STIR/SHAKEN authentication framework. 1. As used in this section, the following terms shall have the following meanings:

(a) "STIR/SHAKEN authentication framework" means the secure telephone identity revisited and signature-based handling of asserted information using tokens standards proposed by the information and communications technology industry.

(b) "Voice service" means any service that is interconnected with the public switched telephone network and that furnishes voice communications to an end user using resources from the North American Numbering Plan or any successor to the North American Numbering Plan adopted by the public service commission under section 251(e)(1) of the Communications Act of 1934 (47 U.S.C. 251(e)(1)); and includes:

i. transmissions from a telephone facsimile machine, computer, or other device to a telephone facsimile machine; and

ii. without limitation, any service that enables real-time, two-way voice communications, including any service that requires internet protocol-compatible customer premises equipment (commonly known as "CPE") and permits out-bound calling, whether or not the service is one-way or two-way voice over internet protocol.

2. Not later than twelve months after the effective date of this section, the public service commission shall require a provider of voice

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

LBD01131-03-1

service to implement the STIR/SHAKEN authentication framework or alternative technology that provides comparable or superior capability to verify and authenticate caller identification in the internet protocol networks of voice service providers.

3. (a) Any voice service provider that knowingly fails or neglects to comply with this section, or a rule or regulation adopted thereunder, shall forfeit to the people of the state of New York a sum not less than ten thousand dollars and no more than one hundred thousand dollars constituting a civil penalty for each and every offense and, in the case of a continuing violation, each day shall be deemed a separate and distinct offense.

(b) Notwithstanding any other provision of law, rule, or regulation, a voice service provider shall be considered to be in compliance with this section and any rule or regulation adopted thereunder if that provider has filed a certification with the Federal Communications Commission that the provider's traffic is either signed with STIR/SHAKEN or subject to a compliant robocall mitigation program. A copy of such certification shall be made available to the attorney general or the public service commission, upon request.

4. Whenever there shall be a violation of this section, an application may be made by either (a) the attorney general in the name of the people of the state of New York, or (b) in the case of a voice service provider subject to the jurisdiction of the public service commission, to a court or justice having jurisdiction, to issue an injunction, and upon notice to the defendant of not less than five days, to enjoin and restrain the continuance of such violations, and for the enforcement of the penalties provided in this section.

5. When the department of public service has reason to believe a person or voice service provider has violated any provision of this section, the department may request in writing the production of relevant documents and records. If the person upon whom such request was made fails to produce the documents or records within fourteen days after the date of the request, the department may issue and serve subpoenas to compel the production of such documents and records. If any person shall refuse to comply with a subpoena issued under this section, the department may petition a court of competent jurisdiction to enforce the subpoena and, notwithstanding any other provision of law, to request a civil penalty not to exceed one thousand dollars per day, actual damages sustained by reason of the failure to comply, and such sanctions as the court may direct.

6. The public service commission and the department of public service may promulgate rules and regulations to implement and enforce the provisions of this section.

§ 2. This act shall take effect immediately.