

# STATE OF NEW YORK

4281

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

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:

1 Section 1. The general business law is amended by adding a new section  
2 399-z-1 to read as follows:

3 § 399-z-1. STIR/SHAKEN authentication framework. 1. As used in this  
4 section, the following terms shall have the following meanings:

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

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

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

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

22 2. Not later than twelve months after the effective date of this  
23 section, the public service commission shall require a provider of voice  
24 service to implement the STIR/SHAKEN authentication framework or alter-

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

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1 native technology that provides comparable or superior capability to  
2 verify and authenticate caller identification in the internet protocol  
3 networks of voice service providers.

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

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

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

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

35 § 2. This act shall take effect immediately.