

Committee Report

CONSENT CALENDAR

March 2, 2021

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

**The Committee on Commerce and Consumer Affairs to
which was referred HB 510,**

**AN ACT relative to limiting robocalls by automatic
dialing devices. Having considered the same, report the
same with the following resolution: RESOLVED, that it
is INEXPEDIENT TO LEGISLATE.**

Rep. Jeffrey Greeson

FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	Commerce and Consumer Affairs
Bill Number:	HB 510
Title:	relative to limiting robocalls by automatic dialing devices.
Date:	March 2, 2021
Consent Calendar:	CONSENT
Recommendation:	INEXPEDIENT TO LEGISLATE

STATEMENT OF INTENT

This bill establishes prohibitions and exceptions for the use of robocalls by automatic dialing devices. The bill gives the Department of Justice authority to seek injunctions and assess penalties for violations of the provisions of the act. The bill also requires an annual report on robocall violations. A representative from the Consumer Protection and Antitrust Bureau of the Attorney General's office testified that this bill was unnecessary since under current laws they already have all the tools to prosecute the violators. However, since these calls generally originate in other countries, they are impossible to track. Therefore, the committee has determined that this bill is Inexpedient To Legislate because robocallers are already required to register with the state and, if enacted, this bill would be impossible to enforce.

Vote 18-0.

Rep. Jeffrey Greeson
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

Commerce and Consumer Affairs

HB 510, relative to limiting robocalls by automatic dialing devices. **INEXPEDIENT TO LEGISLATE.**

Rep. Jeffrey Greeson for Commerce and Consumer Affairs. This bill establishes prohibitions and exceptions for the use of robocalls by automatic dialing devices. The bill gives the Department of Justice authority to seek injunctions and assess penalties for violations of the provisions of the act. The bill also requires an annual report on robocall violations. A representative from the Consumer Protection and Antitrust Bureau of the Attorney General's office testified that this bill was unnecessary since under current laws they already have all the tools to prosecute the violators. However, since these calls generally originate in other countries, they are impossible to track. Therefore, the committee has determined that this bill is Inexpedient To Legislate because robocallers are already required to register with the state and, if enacted, this bill would be impossible to enforce. **Vote 18-0.**

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Majority Report – HB-510 - relative to limiting robocalls by automatic dialing devices.

This bill establishes prohibitions and exceptions for the use of robocalls by automatic dialing devices. The bill gives the department of justice authority to seek injunctions and assess penalties for violations of the provisions of the act. The bill also requires an annual report on robocall violations. The Consumer Protection office of the Attorney General testify that this bill was unnecessary since under current laws they have all the tools to prosecute the violators but since they are generally originating internationally, they are impossible to track.

Majority has determined that this bill is Inexpedient To Legislate (ITL) for the following reasons:

- 1) Robocallers are already required to register with the state
- 2) If enacted, this bill would be impossible to enforce if calls originate outside the state or country.

Voting Sheets

HOUSE COMMITTEE ON COMMERCE AND CONSUMER AFFAIRS

EXECUTIVE SESSION on HB 510

BILL TITLE: relative to limiting robocalls by automatic dialing devices.

DATE: March 2, 2021

LOB ROOM: Zoom

MOTIONS: INEXPEDIENT TO LEGISLATE

Moved by Rep. Greeson

Seconded by Rep. Potucek

Vote: 18-0

CONSENT CALENDAR: YES

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep Keith Ammon, Clerk

HOUSE COMMITTEE ON COMMERCE

EXECUTIVE SESSION ON HB HB510

BILL TITLE: relative to limiting robocalls by automatic dialing devices;

DATE: 3/2/2021

LOB ROOM: Zoom

MOTION: (Please check one box)

OTP ITL Retain (1st year) Adoption of
Amendment # _____
 Interim Study (2nd year) (if offered)

Moved by Rep. Greeson Seconded by Rep. Potucek Vote: 18-0

MOTION: (Please check one box)

OTP OTP/A ITL Retain (1st year) Adoption of
Amendment # _____
 Interim Study (2nd year) (if offered)

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

MOTION: (Please check one box)

OTP OTP/A ITL Retain (1st year) Adoption of
Amendment # _____
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Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

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OTP OTP/A ITL Retain (1st year) Adoption of
Amendment # _____
 Interim Study (2nd year) (if offered)

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

CONSENT CALENDAR? X Yes _____ No

Minority Report? _____ Yes _____ No If yes, author, Rep.: _____ Motion: _____

Respectfully submitted, Rep. Ammon, Clerk

STATE OF NEW HAMPSHIRE
OFFICE OF THE HOUSE CLERK



1/22/2021 9:55:55 AM
Roll Call Committee Registers
Report

2021 SESSION

Commerce and Consumer Affairs

Bill #: HB510 Motion: ITL AM #: _____ Exec Session Date: 3/2/2021

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Hunt, John B. Chairman	18		
Potucek, John M. Vice Chairman	1		
Osborne, Jason M.	2		
Ammon, Keith M. Clerk	3		
Abramson, Max	4		
Ham, Bonnie D.	5		
Depalma IV, Joseph	6		
Greeson, Jeffrey	7		
Johnson, Dawn M.	8		
Terry, Paul A.	9		
Bartlett, Christy D.	10		
Abel, Richard M.	11		
Herbert, Christopher J.	12		
Van Houten, Constance	13		
Fargo, Kristina M.	14		
Weston, Joyce	15		
Beaulieu, Jane E.	16		
Burroughs, Anita D.	17		
McAleer, Chris R.			
TOTAL VOTE:	18	0	

Hearing Minutes

HOUSE COMMITTEE ON COMMERCE AND CONSUMER AFFAIRS

PUBLIC HEARING ON HB 510

BILL TITLE: relative to limiting robocalls by automatic dialing devices.

DATE: February 17, 2021

LOB ROOM: 302 Hybrid **Time Public Hearing Called to Order:** 10:30 a.m.

Time Adjourned: 11:40 a.m.

Committee Members: Reps. Hunt, Potucek, Ammon, Abramson, Ham, Depalma IV, Greeson, Johnson, Terry, Bartlett, Abel, Herbert, Van Houten, Fargo, Weston, Beaulieu, Burroughs and McAleer

Bill Sponsors:

Rep. Chretien

Rep. Stapleton

Rep. Wazir

Rep. M. Murray

Rep. Piedra

Rep. Gallagher

Rep. Labranche

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

Rep Jackie Chretien

Hills 42. (Pretends to be robocallers to prove a point) Spam calls are nuisance and a waste of energy. Calls can cause emotional distress, trap people in scams. 19.7 billion dollars in phone scams. 50% of such scams are started with robocalls. Many spam calls in related to covid vaccine availability. Bill does 4 things: 1) 2) 3) Requires reporting from the commerce department about robocalls 4) increases the penalty for entities conducting robocalls. I was inspired to file this bill after seeing similar legislation from other states. To ensure citizens of aren't affected by robocalls.

Rep Bartlett

Q: Have you had a chance to look at previous bills that have come to this committee and how different this bill is from other bills?

A: I haven't done that much homework. I was expecting OLS to assist me. I'm open to improving this bill.

Q: Sorry to put you on the spot. How does this bill address out of state companies, the fact that spoofing goes on constantly, how does this bill address it?

A: I'm aware there is a lot happening at the federal level. I'm aware there is a lot happening around technology.

Rep Abramson

Q: You said this is based on legislation on AK and NY. Is there any case law on this and brought up any constitutional or due process issues?

A: I want to say something about it having held up in court, but I can't 100% commit to that.

Q: This applies only to companies in NH, so out of state. I guess my concern is we might be offering a false sense of security when most robocalls come from out of state.

A: The section... it's not meant to be restricted to just calls coming from inside the state.

Rep Burroughs

Q: Under section 10, b, I'm not clear what the "department" is, which is it?

A: I believe the commerce department, um. I was looking at that yesterday too.

Rep Hunt: We don't have a commerce department.

Q: It talks about issues that need to be reported, no fiscal note?

A: Correct. That was not done.

Rep McAleer

Q: How can we enforce this? How can we find that person?

A: Testimony that follow me will be about what technology is available. If we can find some folks and hold them to account that would be a deterrent.

Rep Abel

Q: If we don't have a law and are able to identify the source of the call, we wouldn't be able to prosecute, is that one reason why you submitted this bill?

A: Yes that would be one reason.

Brandon Garod

AGs office. Chief of CP and anti-trust bureaus. The department as defined by this bill does refer to the NH DOJ. I'm a neutral party. Robocalls are a nationwide problem. Annoying and illegal. Scammers use robocalls to solicit people's hard earned life savings. This has been a top priority for this bureau. We have continued to issue press releases and speak to the media regarding consumer outreach, to get the word out about these illegal calls so they don't fall victim. We've worked with a small group of states including NC to discuss how we're going to solve this problem. This will require a technological fix. A majority of these calls are coming from outside the country. US telecom will need to make sure they protect US citizens from these illegal robocalls. The more people know the more people change their habits. Don't answer if you don't know the number. Never give out personally identifiable information. Never give out money, including gift cards. Not going to be a quick fix. We're doing the best we can with the tools we have during the pandemic. I appreciate the legislature attempting to give the department more tools to combat robocalls. We're thinking about creative solutions to address these problems. Do we need to have a law on the books, we already have that ability under current case law? RSA 359E spoofing any number is already prosecutable. The callers are providing false information to get people to turn over their money. The problem isn't with the law, the problem is with identifying these individuals make these calls. Unfortunately, it doesn't work that way because they're not here. Robocalls can come from out of the state. We could prosecute them if we could locate, identify, and charge them. Most are originated internationally and out of our jurisdiction. Almost all spoofed numbers come from out of state or another country. We need to use a process called the "trace back" process. We rely on US telecom to do the trace back. Calls go through several hops, several networks, before it reaches its destination. In order to figure out where it came from, you need to find the US point of entry. The goal is it would be choked out at the point it enters the United States. The DOJ would need to provide call data to US telecom and they would have to do a trace back to the source of the call. It's a manual and time-consuming process. Any loss in the chain of hops, that breaks the chain, and you can't get back to the physical caller. Many times it ends up in another country, out of jurisdiction. We've tried issuing subpoenas and it often takes a month, and all we get back is country of origin. Zero of complaints investigate, zero have originated in NH. This is a problem that needs to be solved technologically. We would love to be able to prosecute, if we could actively investigate. Resources of the CPB. We do a lot of work with the resources we have. If this were enacted and the legislature decided that we should investigate, engage in rulemaking, and issuing an annual report, it would require the creation of an entirely new unit. Would require one or two full-time attorneys, a paralegal, an investigator. Even if we had those resources, the results wouldn't be satisfactory, based on what was said before.

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Q: This is technological fix. I have an app called Umail and it screens out 90% of the calls. Why can't the telecoms implement it?

A: I'm not familiar with that technology. Question for the telecom companies.

Rep Herbert

Q: Xfinity has done a better job recently. I have an app just like it. 4 out of 5 calls get marked. I think that's where the solution will come from and it's already being applied, WYB? I like your presentation.

A: Didn't have to answer

Rep Abramson

Q: Reason for making something illegal, that they're able to pursue punitive damages. Wouldn't this bill at least help people trying to pursue this in a civil case?

A: I don't practice private civil law, so can't speak too much to that. Robocalls are currently illegal in NH. Any call that presents a consumer with false information and attempts to trick them, is theft in NH. We have laws already in effect that make robocalls. Robocallers have to register, pay an annual fee, and do it for a legitimate purpose. Any sort of fraudulent intent is already illegal.

Q: International robocalls could still be borderline harassment where the harm caused doesn't rise to the level of criminal prosecution.

A: If the company isn't registered CPB then that's an unfair practice. If they are registered and are too aggressive that could be an unfair or deceptive practice. As long as you're complying with the rules for robocalls, that's okay. Consumers can bring a private right of action. That law is already in effect. If someone was registered but harassing and a consumer believed it was harassing, they could pursue that.

Rep McAleer

Q: A lot of calls you can figure out if they're bogus. I get a lot of calls from police, fire departments, political calls asking for money. How can you determine a call is legitimate?

A: If you receive a call asking you for money, that you don't know, you should be highly suspicious. Get off the phone and research it yourself. Any legitimate requester should have info out there that lets you research it yourself. No legitimate caller will urge you to give them money immediately. You can't trust who's on the other end of the call.

Q: Could we ask them their registration number? I say, if you mail me a request, I'll do something about it. Can we look at a registry?

A: If they're legitimate, they should be able to provide you with registry information. You can ask our department to tell you. I think we probably should be publishing this list to the public. If they're not registered, maybe it would be good to file a consumer complaint.

Rep Van Houten

Q: this issue has been bothersome for most of our constituents. Is there anything that we can do legislatively to help you cut down robocalls and the scams they present?

A: Difficult question. There may be. We welcome those types of reach-outs from the legislature. Is there anything we can do as a state? I believe it would be subject to a new attorney general.

Rep Bartlett

Q: This bill comes up year after year. Do you recommend charitynavigators.org to anyone?

A: I'm not familiar with that website. If there any concerns about charities, DOJ has a charitable trust unit that investigates and regulates charities. That's what they do.

Q: You said we already have laws in place. Is it very hard to legislate annoyance? Any suggestions on how we can talk to our constituents that this can't be a law.

A: I wouldn't say you can't make a law. There are already current laws on the books. There is no quick legislative fix that can make a significant impact on this problem. Correlation between how

often you answer the phone and how many robocalls you get. If you adjust your phone use and don't answer your phone for number you don't know, you'll receive fewer robocalls.

Rep Ham

Q: What do you suggest as things to do to help protect yourself from sort of harm?

A: Number one recommendation is to not answer the phone. If it's important enough, they'll leave a message. If you don't recognize the number don't answer. Put your trusted contacts into your phone so you know it's them. Some information seems harmless at the time but can be used against you in ways you can't imagine. It's high tech and they're experts at this. If you pick up the phone give as little information away as possible and hang up the phone. Use your phone's contact feature.

Rep Gallager

I support this bill. A lot of the testimony has focused on cell phones which have tools on them. I'd like to remind people that still have landlines. I represent Concord Ward 6. We're required to have landlines to answer doors at our apartment complex. You can't block calls on landlines as you can on cell phones.

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New England Cable and Telecom Assoc. I'm a solo practitioner and NH native. Members include leading broadband and communications provider. Bill is well intended. We oppose. Bill is unnecessary. Efforts from FCC, FTC, and other agencies makes it redundant. The bill could make routine calls and privacy features illegal. Written testimony outlines in much greater detail that have been adopted by service providers together with state and federal agencies. Technical standards developed for industry lays the technology grounds to fight these calls. Comcast pioneered the stir-shaken (?) framework. This is fully integrated with 12 voice providers. Stir-shaken digitally validates the hand off of phone calls as they go through the network, to allow the consumer to be sure of the display on the caller ID. Voice providers have agreed on 12 principles to combat robocalls. Those principles are in my written remarks. There are robust ongoing efforts, at federal, state, and industry levels to combat robocalls. There are technical issues with the bill. It defines subjective standards and makes the law difficult to comply with and enforce. This potentially criminalizes legitimate commercial activity. Definitions in the bill are unclear. Significant unintended consequences. Many consumers choose to use privacy features. This bill would prohibit the use of call blocking technology. We urge ITL. Creating a patchwork of state robocall rules would be costly and not protect consumers.

Rep Hunt: Former Rep. Liz Haggart put in legislation dealing with unions of fire and police associations and it's her legislation that required them to register with the DOJ's office. The charitable trust division put a list together of all the charities doing fundraising.

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House Remote Testify

Commerce and Consumer Affairs Committee Testify List for Bill HB510 on 2021-02-17

Support: 4 Oppose: 13 Neutral: 1 Total to Testify: 1

<u>Name</u>	<u>City, State</u> <u>Email Address</u>	<u>Title</u>	<u>Representing</u>	<u>Position</u>	<u>Testifying</u>	<u>Signed Up</u>
Chretien, Jacqueline	jackie.chretien@leg.state.nh.us	An Elected Official	Myself/Hillsborough 42	Support	Yes (5m)	2/16/2021 1:38 PM
Weston, Maura	mauraweston@comcast.net	A Lobbyist	The New England Cable and Telecommunications Association	Oppose	Yes (3m)	2/16/2021 4:24 PM
Garod, Brandon	brandon.h.garod@doj.nh.gov	State Agency Staff	AG Consumer Protection and Antitrust Bureau	Neutral	Yes (3m)	2/16/2021 10:46 AM
Gallager, Eric	eric.gallager@leg.state.nh.us	An Elected Official	Myself	Support	Yes (1m)	2/16/2021 10:18 PM
Pedersen, Michael	PedersenUSA@aim.com	An Elected Official	Hillsborough 32	Support	No	2/16/2021 10:43 PM
Murray, Megan	megan.murray@leg.state.nh.us	An Elected Official	Hillsborough 22	Support	No	2/17/2021 7:17 AM
Hayden, Sam	hayden.sam@gmail.com	A Member of the Public	Myself	Support	No	2/17/2021 7:21 AM
Fedorchak, Gaye	gayevf@gmail.com	A Member of the Public	Myself	Support	No	2/17/2021 9:55 AM
Greene, Bob	bob.greene@leg.state.nh.us	An Elected Official	Myself	Oppose	No	2/17/2021 10:01 AM
Greenwood, Nancy	nancgreenwood@yahoo.com	A Member of the Public	Myself	Support	No	2/17/2021 8:05 AM
Osborne, Jason	houserepoffice@leg.state.nh.us	An Elected Official	Myself	Oppose	No	2/17/2021 8:14 AM
Howard Jr., Raymond	brhowardjr@yahoo.com	An Elected Official	Myself	Support	No	2/17/2021 8:32 AM
Tudor, Paul	Paul.Tudor.1strokingham@Gmail.com	An Elected Official	Myself	Oppose	No	2/17/2021 8:53 AM
Smith, Jonathan	jhsmithnh5@gmail.com	An Elected Official	Myself	Oppose	No	2/17/2021 8:55 AM
Sheehan, Vanessa	vsheehan16@yahoo.com	An Elected Official	Myself	Oppose	No	2/17/2021 8:56 AM
THEBERGE, ROBERT	rolath@hotmail.com	An Elected Official	Myself	Oppose	No	2/17/2021 9:11 AM
Edwards, Jesse	secure4posterity@yahoo.com	A Member of the Public	Myself	Oppose	No	2/17/2021 9:23 AM
Boyd, Stephen	seboyd2020@gmail.com	An Elected Official	Myself	Oppose	No	2/17/2021 10:47 AM
Post, Lisa CM	Lisa.Post@leg.state.nh.us	An Elected Official	Myself	Oppose	No	2/17/2021 11:06 AM

Groetzinger, Tonda	groetzinger6@aol.com	A Member of the Public	Myself	Support	No	2/17/2021 11:36 AM
Piemonte, Tony	tony.piemonte@leg.state.nh.us	An Elected Official	Myself	Oppose	No	2/17/2021 11:37 AM
Cushman, Leah	leah.cushman@leg.state.nh.us	An Elected Official	Myself	Oppose	No	2/17/2021 12:06 PM
Mangipudi, Latha	Nashua, NH Latha.mangipudi@leg.state.nh.us	An Elected Official	Hills 35	Support	No	2/17/2021 1:34 PM
Lucas, Janet	janluca1953@gmail.com	A Member of the Public	Myself	Support	No	2/16/2021 10:47 AM
DeMark, Richard	demarknh114@gmail.com	A Member of the Public	Myself	Support	No	2/16/2021 4:54 PM
Hope, Lucinda	lmhope46@gmail.com	A Member of the Public	Myself	Support	No	2/16/2021 5:59 PM
Rosenberger, Teresa	trosenberger@bernsteinshur.com	A Lobbyist	NH Telephone Association	Oppose	No	2/16/2021 6:08 PM
ARONSON, LAURA	laura@mlans.net	A Member of the Public	Myself	Support	No	2/16/2021 7:29 PM
Wazir, Safiya	s.wazir@leg.state.nh.us	An Elected Official	My constituents	Support	No	2/9/2021 5:36 PM
Fordey, Nicole	nikkif610@gmail.com	A Member of the Public	Myself	Support	No	2/13/2021 8:15 PM
Flammer, Yadin	yadinflammer@gmail.com	A Member of the Public	Myself	Support	No	2/13/2021 8:48 PM
Yokela, Josh	josh.yokela@leg.state.nh.us	An Elected Official	Rockingham 33	Oppose	No	2/14/2021 4:24 PM
Tentarelli, Liz	LWV@kenliz.net	A Member of the Public	Myself	Support	No	2/14/2021 4:28 PM
Larson, Ruth	ruthlarson@msn.com	A Member of the Public	Myself	Support	No	2/15/2021 11:22 AM
Moulton, Candace	candaceleighm@gmail.com	A Member of the Public	Myself	Support	No	2/15/2021 1:28 PM
Frost, Sherry	sherry.frost@leg.state.nh.us	An Elected Official	Myself	Support	No	2/15/2021 2:32 PM

Testimony

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE**

GREAT NEW HAMPSHIRE RESTAURANTS, INC.,	Case No.
Plaintiff,	
v.	
DOORDASH, INC.,	
Defendant.	

COMPLAINT

The plaintiff Great New Hampshire Restaurants, LLC (“Plaintiff” or “GNHR”), by its undersigned attorneys Rath, Young, and Pignatelli P.C., for its complaint against the defendant Doordash, Inc. (“Doordash” or “Defendant”) alleges as follows:

NATURE OF CASE

1. This is an action of willful trademark infringement, unfair competition, injury to business reputation, and false and deceptive business practices, all in violation of the laws of the United States and the state of New Hampshire. Plaintiff seeks a permanent injunction, damages, including the profits of Doordash, trebled under the law, punitive damages, and related relief as more fully described herein.

THE PARTIES

2. Plaintiff is a limited liability company operating under the laws of New Hampshire having its principal place of 12 Aspen Lane, Bedford, New Hampshire 03031.

3. Upon information and belief, Doordash is a California company with a principle place of business at 470 Olive Avenue, Palo Alto, California.

JURISDICTION AND VENUE

4. This Court has subject matter jurisdiction under section 39 of the Lanham Act, 15 U.S.C. § 1121, sections 1332(a), 1338(a) and 1338(b) of the Judicial Code, 28 U.S.C. § 1338(a) and § 1338(b). This Court has subject matter jurisdiction over the non-federal claims asserted herein pursuant to section 1367 of the Judicial Code, 28 U.S.C. § 1367(a), which provides supplemental jurisdiction.

5. Personal jurisdiction over Doordash is proper because Doordash is conducting business in this judicial district and committing torts in this state, including without limitation Doordash's trademark infringement, unfair competition, and deceptive trade practices, which cause harm in this state and in this judicial district.

6. Venue properly lies in the judicial district under sections 1391(b) and (c) of the Judicial Code, 28 U.S.C. § 1391(b) and (d), because a substantial portion of the events at issue have arisen and/or will arise in this judicial district and because this Court has personal jurisdiction over Doordash. In a trademark infringement lawsuit, a substantial part of the events giving rise to the claim occurs in any district in which consumers are likely to be confused by the infringing goods or services, whether that occurs in one district or many districts.

FACTS COMMON TO ALL CLAIMS FOR RELIEF

A. Plaintiff's Business and Trademarks

7. GNHR operates a number of popular restaurants in New Hampshire under the following trademarks: COPPER DOOR®, CHEF NICOLE'S® (the "Registered GNHR Marks"), CJ'S™, T-BONES™, and CACTUS JACK'S™ (the "Unregistered GNHR Marks" and

together with the Registered GNHR Marks, collectively, the “GNHR Marks”).

8. GNHR has been using the GNHR Marks continuously for many years in connection with restaurant services and has invested considerable time, money and other resources in connection with the sale and advertising of its restaurant services in connection with the GNHR Marks.

9. The GNHR Marks each serve as unique signifiers of the quality, reputation and goodwill of GNHR in the marketplace.

10. Plaintiff uses its GNHR Marks by displaying them on menus, signage, promotional materials, advertising materials, and websites.

11. Over the years, Plaintiff has invested millions of dollars in the promotion and advertising of goods and services sold under the GNHR Marks in New Hampshire and its surrounding states to create a strong association between Plaintiff’s products and services, its goodwill among consumers and the GNHR Marks.

12. The care and skill exercised by Plaintiff in conducting its business has resulted in the high quality of the products and services offered under its GNHR Marks.

13. As a result of the extensive advertising, sale and promotion of Plaintiff’s products and services, its GNHR Marks have acquired secondary meaning throughout the area whereby the GNHR Marks are widely recognized by the general consuming public in New Hampshire and its surrounding states as signifying Plaintiff as the unique source of the goods and services sold in connection with the GNHR Marks.

14. The GNHR Marks are strong and warrant broad protection in both related and unrelated product and/or service classes.

B. Doordash's Infringing Conduct

15. Upon information and belief, Doordash is a food delivery business that promises its customers speedy delivery from different restaurants located throughout New Hampshire and surrounding states, including GNHR restaurants.

16. GNHR is in no way affiliated with Doordash but, upon information and belief, Doordash causes customers to falsely believe that Doordash has a relationship with GNHR because the GNHR menus and the GNHR Marks appear on Doordash's website and app.

17. In addition, Doordash represents on its website its states "Be a Partner Restaurant," thus implying that every restaurant listed on its website, GNHR included, is a "partner restaurant."

18. Upon information and belief, GNHR customers see GNHR marks and menus at the Doordash website or app and then provide a debit or credit card to Doordash for payment of GNHR goods and services.

19. Upon information and belief, customers pay Doordash directly for GNHR's products and services whereupon Doordash then orders the same products and services from GNHR and pays GNHR when it picks up the food for delivery to customers. However, upon information and belief, the GNHR menus used by Doordash do not always match the menus currently in use at GNHR.

20. Upon information and belief, Doordash does not notify GNHR when delivery drivers employed by Doordash order food from GNHR restaurants. They do not to use the name "Doordash" when picking up orders from GNHR.

21. Upon information and belief, Doordash's use of the GNHR Marks has and is

likely to continue to confuse and mislead consumers into believing that Doordash's services are sponsored by, licensed from or otherwise affiliated with GNHR and Doordash's products and services adhere to the high standards expected from GNHR.

22. Upon information and belief, Doordash's products and services do not adhere to the high standards expected from GNHR, putting GNHR at risk for claims by customers relating to the quality of its food products.

23. GNHR cannot control how Doordash cares for its food products during the delivery process by Doordash. It has no control over the time Doordash spends to make a delivery nor whether Doordash regularly complies with the applicable health and sanitary codes.

24. Doordash places GNHR at risk for customer complaints, which would substantially damage GNHR's business reputation, and would result in irreparable damages and financial loss.

25. Indeed, as a result of Doordash's use of the certain GNHR Marks, the T-BONES® and CJ'S® marks most recently, GNHR has received a number of customer complaints regarding Doordash's services under the mistaken belief the GNHR is responsible for the poor service provided by Doordash.

26. Accordingly, GNHR has on more than one occasion asked Doordash to remove GNHR restaurants from Doordash's website and app.

27. While representatives at Doordash represented that Doordash would cease advertising on its website that it delivered from GNHR restaurants, the problem has been recurring.

28. Upon information and belief, Doordash's use of the GNHR Marks is intentionally and willfully meant to confuse and mislead consumers as to Doordash's affiliation with GNHR

restaurants.

COUNT I
FEDERAL TRADEMARK INFRINGEMENT
(violation of 15 U.S.C. §1114)

29. GNHR incorporates the above paragraphs of the complaint as if separately set forth herein.

30. The Registered GNHR Marks, which are registered with the United States Patent and Trademark Office, are valid and enforceable trademarks exclusively own and continuously used by GNHR.

31. Long after GNHR's first use of the Registered GNHR Marks, Doordash began use of the Registered GNHR Marks in connection with the advertising and promotion of Doordash's restaurant services.

32. GNHR did not authorize Doordash to use the Registered GNHR Marks in connection with the advertising and promotion of Doordash's restaurant services.

33. Upon information and belief, Doordash's unauthorized use of the Registered GNHR Marks will likely cause confusion, mistake, or deception in the relevant consumer market unless Doordash is permanently enjoined.

34. Upon information and belief, Doordash's unauthorized use of the Registered Marks constitutes Trademark Infringement is in violation of 15 U.S.C. §§1114 and 1117.

35. Doordash has acted in bad faith in willfully using the Registered Marks in connection with restaurant services business.

36. Doordash's infringing acts have caused and will continue to cause GNHR to suffer irreparable injuries to its reputation and goodwill. Plaintiff does not have an adequate remedy at law to recover for this harm and is therefore entitled to injunctive relief.

COUNT II
FEDERAL UNFAIR COMPETITION
(violation of 15 U.S.C. §1125(a))

37. GNHR incorporates the above paragraphs of the complaint as if separately set forth herein.

38. Upon information and belief, Doordash's unauthorized use of the Unregistered GNHR Marks in connection with its food delivery services constitutes a false designation of origin, a false or misleading description of fact, and/or false or misleading representation of fact, and has caused and is likely to cause confusion, mistake, and/or deception as to the affiliation, connection or association of GNHR with Doordash, the origin, sponsorship or approval of Doordash's use of the Unregistered GNHR Marks, and the nature, characteristics, or qualities of services offered by Doordash.

39. Doordash's conduct as alleged herein constitutes unfair competition and false designation of origin in violation of section 43(a) of the Lanham Act, 15 U.S.C. § 1125(a).

40. Doordash's violation of section 43(a) of the Lanham Act, 15 U.S.C. § 1125(a) is willful and done in bad faith.

41. GNHR has no adequate remedy at law. If Doordash is not enjoined from further use of the Unregistered GNHR Marks, GNHR will suffer substantial and irreparable injury to its business reputation and the goodwill associated with the Unregistered GNHR Marks.

COUNT III
DECEPTIVE TRADE PRACTICES
(violation of RSA 358-A)

42. GNHR incorporates the above paragraphs of the complaint as if separately set forth herein.

43. Doordash's actions in passing off their services for GNHR's services through the

use of deception constitutes an unfair and deceptive trade practice as defined in RSA 358-A:2, I-III, V.

44. Doordash's actions intentionally misinforms consumer in the New Hampshire marketplace.

45. Such actions are, in addition, sufficiently rascalous to constitute unfair and deceptive acts, notwithstanding the categories in RSA 358-A:2.

46. Doordash's deceptive actions are willful and knowing.

47. Pursuant to RSA 358-A:10, GNHR is entitled to injunctive relief and to the amount of actual damages. Doordash's actions under this statute were willful allowing for Plaintiff to receive up to 3 times, but not less than 2 times, the amount of actual damages and recovery of costs and attorney fees.

PRAYER FOR RELIEF

WHEREFORE Plaintiff prays for the following relief.

A. For judgment that:

1. Doordash has engaged in infringement in violation of 15 U.S.C. 1114;
2. Doordash has engaged in unfair competition in violation of 15 U.S.C. 1125(a);
and
3. Doordash has engaged in deception trade practices in violation of RSA 358-A.

B. For a permanent injunction enjoining Doordash, and any successors or assigns, and its principals, officers, partners, agents, subcontractors, servants, employees, attorneys, affiliates, licensees, subsidiaries and related companies or entities, and all others acting in active concert or participation with it who receive actual notice of the Court's order by personal service or otherwise, from:

1. Using the GNHR Marks, or any simulation, reproduction, copy, colorable imitation or confusingly similar variation of the GNHR Marks in or as part of a design, logo, domain name, or trademark; using any such mark in connection

with the promotion, advertisement, sale, offering for sale, manufacture, production, or distribution of any business, product, or service; and from using any such mark on or as feature of any product;

2. Passing off, inducing, or enabling others to pass off, sell, offer, distribute, disseminate, or otherwise provide any product that bears the GNHR Marks, or any mark that is a simulation, reproduction, copy, colorable imitation, or confusingly similar variation thereof; and
3. Otherwise competing unfairly with GNHR in any manner.

C. For an order that: 1) Defendant account for and pay over to GNHR the amount of any profits realized by Doordash by reason of Defendant's unlawful and willful acts as alleged herein; 2) GNHR be awarded actual damages suffered by reason of Doordash's unlawful and willful acts as alleged herein, including profits realized by Doordash, to be increased by a sum equal to three times the amount thereof as provided by law; 3) GNHR be awarded interest, including prejudgment interest, on all damages sums; 4) GNHR be awarded its costs and reasonable attorney's fees and have such other and further relief as the Court may deem equitable, including, but not limited to, any relief set forth under 15 U.S.C. §§ 1116-1118; and GNHR be awarded actual and punitive damages as provided for under applicable federal and state law.

D. For an order directing, the destruction of all packaging and any printed material, including advertising materials and point-of-sale displays, bearing the GNHR Marks in Defendant's possession or control; and publicly acknowledging the wrongful activities alleged herein.

E. For an order directing Doordash to file with the Court and serve upon GNHR within thirty (30) days after service of the injunction upon Doordash, a report in writing and under oath setting forth in detail the manner and form in which Doordash has complied with the injunction.

F. For such other and further relief as the Court shall deem appropriate.

JURY DEMAND

GNHR hereby demands a trial by jury pursuant to Rule 38 of the Federal Rules of Civil Procedure.

Dated: February 24, 2020

Respectfully submitted,

By: /s/ R. Terry Parker

RATH, YOUNG AND PIGNATELLI P.C.

R. Terry Parker, Esq.

One Capital Plaza

Concord, New Hampshire

Tel.: (603) 226-2600

Email: rtp@rathlaw.com

Attorneys for Plaintiff

Great New Hampshire Restaurants, Inc.

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

(b) County of Residence of First Listed Plaintiff _____
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

DEFENDANTS

County of Residence of First Listed Defendant _____
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff
- 2 U.S. Government Defendant
- 3 Federal Question (U.S. Government Not a Party)
- 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692) <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS	LABOR	FEDERAL TAX SUITS
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609

V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding
- 2 Removed from State Court
- 3 Remanded from Appellate Court
- 4 Reinstated or Reopened
- 5 Transferred from Another District (specify)
- 6 Multidistrict Litigation - Transfer
- 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

Brief description of cause:

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$

CHECK YES only if demanded in complaint:
JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE _____

DOCKET NUMBER _____

DATE

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # _____

AMOUNT _____

APPLYING IFP _____

JUDGE _____

MAG. JUDGE _____

Archived: Wednesday, April 14, 2021 11:10:21 AM

From: mauraweston@comcast.net

Sent: Wednesday, February 17, 2021 9:00:02 AM

To: ~House Commerce Committee

Cc: Tim Wilkerson

Subject: Testimony in opposition to HB 510

Importance: Normal

Attachments:

[NH legislative HB 510 Robocall Testimony FINAL 021721.docx](#) 

Attached please find testimony on behalf of the New England Cable and Telecommunications Association in opposition to HB 510, relative to limiting robocalls by automatic dialing devices.

Thank you for your consideration and I look forward to speaking with you this morning.

Best,

Maura

Maura M Weston

MM Weston & Associates, PLLC

PO Box 990

Concord, New Hampshire 03301

603-491-2853 (mobile)

mweston@mmweston.com

mauraweston@comcast.net

Archived: Wednesday, April 14, 2021 11:10:22 AM

From: [Megan Murray](#)

Sent: Wednesday, February 17, 2021 7:47:21 AM

To: ~House Commerce Committee

Subject: Support for HB 510

Importance: Normal

Attachments:

[HB510 Support \(1\).pdf](#) 

Honorable Colleagues of the House Commerce Committee,

Please accept the electronic submittal of my testimony in support of HB 510.

I thank you for your time and consideration of an important bill addressing phone scamming and spoofing.

Respectfully Submitted,

Megan Murray

State Representative-Amherst, NH

Environment & Agriculture Committee

Member of National Caucus on Environmental Legislators (NCEL)

Archived: Wednesday, April 14, 2021 11:10:22 AM

From: Jackie Chretien

Sent: Tuesday, February 16, 2021 3:56:56 PM

To: ~House Commerce Committee

Cc: Walt Stapleton; Safiya Wazir; Megan Murray; Israel Piedra; Eric Gallager; Tony Labranche

Subject: Prime sponsor testimony on HB 510

Importance: Normal

Hello, honorable members of the Commerce Committee. For the record, my name is Jacqueline Chretien, and I represent a floterial district in Manchester, Hillsborough District 42.

“We are calling from the social security administration to inform you that due to some suspicious activities related to your social security number, we have been forced to suspend your social security number.”

“We are notifying you that there is a legal enforcement action filed on your name for fraudulent activities. So when you get this message kindly call back on our number before we begin with the legal proceedings.”

“We have been trying to reach you about your car’s extended warranty.”

These are all automated messages that I’ve received on my cell phone in the last six months, all of which came from 603 numbers. At best, spam calls like this are a nuisance and a waste of time and energy; at worst, they can cause emotional distress or trap people in a costly scam or identity theft. In their 2020 report, TrueCaller estimated that Americans lost an estimated \$19.7 billion to phone scams in the 12 months preceding April 2020, that both the average amount lost per scam and total lost is increasing year over year, and that more than 3 in 5 of such scams are initiated with a robocall.¹ Another important negative effect of spam robocalls is that they erode trust in legitimate uses of automated calls, such as for emergency notifications, school weather closures, or public health alerts. It may not surprise you to know that there have already been many reports of scam calls related to COVID vaccine availability.

This bill aims to accomplish four things:

1. Updates some definitions related to autodialers and phone number spoofing, as the current New Hampshire state law on automatic dialing, RSA 359-E, has largely not been updated since the early 1990s. This should help protect NH citizens in the event that the FCC someday adopts an overly narrow definition, which could cause robocalls to increase even further.
2. Requires telecom companies operating in the state to provide additional tools for consumers to block unwanted calls or numbers that have been flagged as suspicious. There are certainly a variety of apps available that purport to do this for smartphones; however, as a consumer it can be difficult to know if any given app is effective. Moreover, I hope the committee will agree with me that it is inappropriate to put the onus and cost of avoiding scam calls on the consumer.
3. Requires reporting from the commerce department on the prevalence of robocalls in the state and the status of mitigation measures and suggestions for additional actions that can be taken.

4. Increasing penalties for any entities found to be illegally conducting robocalls or misrepresenting their location, and reinforcing the power of the state Attorney General's office to prosecute and enforce this law without requiring consumers to prove that they have been harmed by these calls.

HB 510 has been modelled after some recent legislation from two other states, Arkansas and New York; as such I am open to amendments that may be suggested to make it more effective or practical for our state. My main hope is that we can enact legislation true to the intent set out on the first page of the bill, that is, to ensure that the citizens of this state are protected from the negative impact of illegal robocalls and to ensure that scammers and complicit telecommunications providers are held criminally accountable.

I thank the committee for your time, and I welcome any questions.

Rep. Jacqueline Chretien, PhD
Hillsborough 42

<https://truecaller.blog/2020/04/16/truecaller-insights-2020-us-spam-scam-report/>



Truecaller Insights 2020 U.S. Spam & Scam Report

For those who fell victim of a scam call in the past 12 months, more than 3 in 5 (61.5%) say it was the result of a robocall. Despite this being a marginal increase compared to last year (59.8%,) robocalls are evidently a huge problem for Americans,

truecaller.blog

Jacqueline Chretien, PhD
NH State Representative, Hillsborough 42
Manchester Wards 1, 2 & 3

jacqueline.chretien@gmail.com
jackie.chretien@leg.state.nh.us

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Archived: Wednesday, April 14, 2021 11:09:20 AM

From: [Megan Murray](#)

Sent: Wednesday, February 17, 2021 7:47:21 AM

To: ~House Commerce Committee

Subject: Support for HB 510

Importance: Normal

Attachments:

[HB510 Support \(1\).pdf](#) 

Honorable Colleagues of the House Commerce Committee,

Please accept the electronic submittal of my testimony in support of HB 510.

I thank you for your time and consideration of an important bill addressing phone scamming and spoofing.

Respectfully Submitted,

Megan Murray

State Representative-Amherst, NH

Environment & Agriculture Committee

Member of National Caucus on Environmental Legislators (NCEL)

Honorable Colleagues of the Commerce Committee,

I write to you today in support of HB 510 presented by Representative Chretien and do so on behalf of my constituents in Amherst who are also affected by varying levels of auto-dialing and spoofing scams. Over the recent years, activity like this has increased, and at times preys on individuals because of the nature of how information is presented on the recipient end of the phone call. I have heard from constituents who've reported receiving phone calls that show up on their phones purporting to be from places that appear to be institutions they know and trust. In truth, it's a scammer, seeking to garner information for nefarious purposes, even in some cases these calls garner things like account information and sadly even funds.

This issue is one of public trust and protection and this bill seeks to put forward remedies to update RSA 359-E which hasn't been revisited since the 1990's, places requirements on telecom companies to offer tools of protection against scamming or spoofing, gathers data on the statewide prevalence of robocalling and spoofing and efforts to address the issue, and increases penalties for anyone partaking in this activity in the Granite State.

It is my hope that in the Granite State we can protect our most vulnerable populations from things like this occurring.

Sincerely,

Representative Megan Murray

Amherst, N.H.



New England Cable & Telecommunications Association, Inc.
The Enterprise Center • 121 Loring Avenue • Suite 340 • Salem, MA 01970
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New England Cable & Telecommunications Association, Inc.

**Statement of the New England Cable & Telecommunications Association, Inc. regarding House bill 510
AN ACT relative to limiting robocalls by automatic dialing devices.**

February 17, 2021

I. Introduction

Good morning, my name is Maura Weston, thank you for the opportunity to speak to you today on behalf of the New England Cable and Telecommunications Association (NECTA). Our members, including Atlantic Broadband, Charter and Comcast, are New Hampshire's leading broadband and communications providers with over 450,000 customers in more than 184 communities.

While NECTA recognizes and shares the frustration caused by malicious, illegal robocalls, House bill 510 is unnecessary due to ongoing federal and state attorneys general policy responses and voice service providers advanced technological solutions to prevent robocalls. Considering steps our members are taking to empower consumers to stop illegal robocalls and federal and state efforts, passage of House bill 511 would have unintended consequences and additional compliance costs for New Hampshire businesses.

Voice service providers have leaned forward on this issue by developing and deploying advanced robocall mitigation tools. For example, the STIR/SHAKEN authentication framework provides a secure way to validate caller identity and stop illegal caller ID imitation or spoofing. With this framework in place, phone calls are verified and signed using digital certificates so illegal robocalls can be identified and displayed on caller ID or detected and stopped before they reach consumers.

New Hampshire and the federal government also have robust methods to combat this issue. The New Hampshire Attorney General through its "Do Not Call Registry" and the Federal Communications Commission ("FCC"), the Federal Trade Commission ("FTC") and the United States Department of Justice have enhanced authority and jurisdiction over illegal robocalls. As a result of stronger federal laws, these agencies have mandated enhanced technologies to stop robocalls, increased investigations into the sources of these illegal calls and fined or sought criminal charges against these domestic and foreign criminal enterprises.

Together, voice service providers are working together and with state and federal criminal and civil enforcement agencies to combat unwanted solicitations. Through improved blocking and filtering technologies and new call authentication standards, voice service providers and state and federal agencies are committed to reducing robocalls.

II. NECTA Members Empowering Consumers to Stop Robocalls

Our members have implemented privacy tools and voice features to help block these illegal or fraudulent robocalls at no cost to consumers. A variety of third-party landline and mobile applications attempt to block robocalls and spam calls based on a list of known offenders. Available for certain voice customers, solutions,

such as Call Guard or Nomorobo, block malicious robocalls and send Caller ID alerts for other telemarketing calls by using an advanced tool that analyzes call patterns and screens calls in real-time. Furthermore, when a robocall slips through their blocking technology, Nomorobo constantly adapts to their changes in tactics. If a customer does get a robocall, they can self-report it to Nomorobo and have it added to their malicious caller list to prevent further robocalls from that number.

Since 2016 the Robocall Strike force has worked with the FCC to combat illegal robocalls. The Robocall Strike Force includes representatives from landline, mobile, and VoIP service providers, and other related companies. The industry also collaborated with the FCC to develop and implement the STIR/SHAKEN call authentication standards, a protocol to verify that the person dialing the call has authority to use the displayed caller ID number.

STIR/SHAKEN is an end-to-end call authentication protocol enabling voice providers and their customers to confirm that the caller ID information displayed on a call is accurate. In a nutshell, the voice provider that originates a call “signs” that call to indicate that the associated telephone number belongs to the calling party—and the voice provider on the terminating end of the call can then verify that “signature” and have confidence in the accuracy of the telephone number displayed. STIR/SHAKEN are acronyms for the Secure Telephone Identity Revisited (STIR) and Signature-based Handling of Asserted Information Using toKENs (SHAKEN) standards. Deployment of STIR/SHAKEN reduces caller ID spoofing and assists voice service providers and their technology partners to determine which calls should be blocked. Throughout 2018 and 2019, voice service providers coordinated with the FCC to test and implement STIR/SHAKEN call authentication standards. Our members now have the capability under these standards to sign and verify calls that contain a STIR/SHAKEN-compliant signature for a voice provider’s entire residential subscriber base. The industry is also working together by exchanging authenticated residential calls between voice service providers. For example, in 2019, Comcast announced that had commenced exchanging authenticated calls with AT&T and T-Mobile, and currently receives authenticated calls from 12 voice providers.

III. Federal Efforts Including Industry Partnerships to Stop Illegal Robocalls

In December 2019, Congress passed the Telephone Robocall Abuse Criminal Enforcement and Deterrence Act (“TRACED Act”) to provide federal agencies with further resources to investigate, fine and bring criminal charges for illegal robocalls. The Act orders the FCC to require voice service providers to implement the secure telephone identity and signature-based handling of asserted information using standards of the STIR/SHAKEN protocols. The TRACED Act amends the TCPA’s enforcement and civil penalties provisions by extending the statute of limitations up to four years, giving the FCC more time to pursue violators, and adds additional penalties it may impose. The law created a statutory mandate for the FCC call-blocking rulemaking and deadlines. The TRACED Act prohibited charges to consumers for call-blocking services that voice service providers offer while creating a safe harbor for providers’ call-blocking efforts. The act calls for a federal task force chaired by the Attorney General to examine prosecution of robocall offenders and to identify new and existing policies and programs to aid coordination between federal and state regulators, and between countries, to prevent domestic and international violations.

Pursuant to the TRACED Act, in September 2020, the FCC mandated that voice service providers either upgrade their non-IP networks to IP and implement STIR/SHAKEN or work to develop a non-IP caller ID authentication solution. Next, they voted to require intermediate providers to implement STIR/SHAKEN so that IP calls retain caller ID authentication throughout the call path. Lastly, the FCC prohibited costs associated with preventing robocalls from being passed on to consumers by preventing providers from charging consumers and small businesses for caller ID authentication technology. All these provisions must be implemented by June 2021.

However, federal efforts go back much further than that. Since 1991, when a bipartisan Congress enacted the Telephone Consumer Protection Act (TCPA) to prohibit companies from engaging in robocalling, Congress has established a uniform, national approach to combatting illegal robocalls. Despite the passage of TCPA, illegal robocall originators have adapted their technologies to circumvent the law, but the federal government has led the way in responding to this growing problem. Federal agencies have taken a multi-faceted approach to combating an increase in robocalls. Central to this varied approach, the FCC has worked closely with industry groups, and other federal, state, and international agencies to develop new technologies and standards to combat illegal calls.

Throughout the years, the FTC and the FCC share information to help facilitate technological solutions, such as robocall blocking, and have taken steps to increase the quality and quantity of shared information. To that end in September 2016, the FTC updated its Do Not Call complaint process to simplify the process for consumers to report the topic of the call and to help the FTC and FCC identify trends both domestically and internationally.

Next, the FCC focused on call blocking technology as a means of combating illegal calls. In November 2017, the FCC approved rules authorizing voice service providers to proactively block calls that originate from invalid, unassigned, or unallocated numbers. These rules also allow voice service providers to block calls originating from numbers listed on “Do Not Originate” lists, such as government telephone numbers that are not used for outbound telephone calls. In June 2019, the FCC issued a ruling permitting voice service providers to block calls as a default setting, as long as their customers are informed and offered the opportunity to opt out of such blocking.

These collective federal interagency collaborations, often with industry partners, have resulted in important civil actions against illegal robocalls. In recent years, the FCC has taken significant enforcement actions totaling over \$450 million against telemarketers for apparent illegal caller ID spoofing. Also, two years ago the FTC announced that they commenced 140 enforcement actions against companies and telemarketers for abandoned-call, robocall, and Do Not Call Registry violations, recovering \$50 million in civil penalties and \$71 million in further compensation.

IV. State Attorney Generals Partner with Voice Service Providers to Block Robocalls

In 2019, all 50 State Attorneys General and 12 major voice service providers, announced a set of Anti-Robocall Principles they have agreed to implement, or continue to implement, for combating illegal and unwanted robocalls. These principles include:

Principle Number One. Offer Free Call Blocking and Labeling. For mobile and VoIP residential customers, make available free, easy-to-use call blocking and labeling tools and regularly engage in easily understandable outreach efforts to notify them about these tools. For all types of customers, implement network-level call blocking at no charge. Use best efforts to ensure that all tools offered safeguard customers’ personal, proprietary, and location information.

Principle Number Two. Implement STIR/SHAKEN. Implement STIR/SHAKEN call authentication as described above.

Principle Number Three. Analyze and Monitor Network Traffic. Analyze high-volume voice network traffic to identify and monitor patterns consistent with robocalls.

Principle Number Four. Investigate Suspicious Calls and Calling Patterns. If a provider detects a pattern consistent with illegal robocalls, or if a provider otherwise has reason to suspect illegal robocalling or spoofing is taking place over its network, seek to identify the party that is using its network to originate, route, or

terminate these calls and take appropriate action. Taking appropriate action may include, but is not limited to, initiating a traceback investigation, verifying that the originating commercial customer owns or is authorized to use the Caller ID number, determining whether the Caller ID name sent to a receiving party matches the customer's corporate name, trademark, or d/b/a name, terminating the party's ability to originate, route, or terminate calls on its network, and notifying law enforcement authorities.

Principle Number Five. Confirm the Identity of Commercial Customers. Confirm the identity of new commercial VoIP customers by collecting information such as physical business location, contact person(s), state or country of incorporation, federal tax ID, and the nature of the customer's business.

Principle Number Six. Require Traceback Cooperation in Contracts. For all new and renegotiated contracts governing the transport of voice calls, use best efforts to require cooperation in traceback investigations by identifying the upstream provider from which the suspected illegal robocall entered its network or by identifying its own customer if the call originated in its network.

Principle Number Seven. Cooperate in Traceback Investigations. To allow for timely and comprehensive law enforcement efforts against illegal robocallers, dedicate sufficient resources to provide prompt and complete responses to traceback requests from law enforcement and from USTelecom's Industry Traceback Group. Identify a single point of contact in charge of responding to these traceback requests, and respond to traceback requests as soon as possible.

Principle Number Eight. Communicate with State Attorneys General. Communicate and cooperate with state Attorneys General about recognized scams and trends in illegal robocalling. Due to the ever-changing nature of technology, update the state Attorneys General about potential additional solutions for combatting illegal robocalls.

V. Conclusion

Although there remain an unacceptable number of illegal robocalls, there are robust ongoing efforts by state and federal civil enforcement and law enforcement agencies and industry efforts to mitigate these calls. A state law regulating these illegal calls, while well intended cannot supplement the years long, sophisticated attempts to block the billions of annual calls. Creating a potential patchwork of state robocall rules, despite a host of federal laws and regulations for a problem that often originates overseas will create a costly and unnecessary burden on voice service providers in New Hampshire.

Thank you for your attention to this matter, I would be happy to answer any questions that you may have.

Respectfully Submitted,

Maura Weston

Bill as
Introduced

HB 510 - AS INTRODUCED

2021 SESSION

21-0721

10/05

HOUSE BILL **510**

AN ACT relative to limiting robocalls by automatic dialing devices.

SPONSORS: Rep. Chretien, Hills. 42; Rep. Stapleton, Sull. 5; Rep. Wazir, Merr. 17; Rep. M. Murray, Hills. 22; Rep. Piedra, Hills. 9; Rep. Gallagher, Merr. 15; Rep. Labranche, Hills. 22

COMMITTEE: Commerce and Consumer Affairs

ANALYSIS

This bill establishes prohibitions and exceptions for the use of robocalls by automatic dialing devices. The bill gives the department of justice authority to seek injunctions and assess penalties for violations of the provisions of the act. The bill also requires an annual report on robocall violations.

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears ~~[in brackets and struckthrough.]~~
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty One

AN ACT relative to limiting robocalls by automatic dialing devices.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 Findings; Intent.

2 I. The citizens of this state are being negatively affected by robocalls from telemarketers and
3 from others seeking to perpetrate scams, leading to frustration at best and loss of peace and property
4 for many.

5 II. Many such calls originate from scammers using automatic telephone dialing systems to
6 send out thousands of phone calls per minute with fictitious or misleading display names or
7 telephone numbers.

8 III. Scammers often targeting seniors and other vulnerable groups by soliciting personal
9 information such as credit or debit card information and Social Security numbers.

10 IV. Displaying fictitious or misleading names or telephone numbers, or "spoofing," is a
11 predominant means by which a robocaller hides their identity and entices consumers to answer the
12 telephone.

13 V. It is the intent of the legislature:

14 (a) To protect the citizens of this state from receiving illegal robocalls from
15 telemarketers and from others seeking to perpetrate scams on unsuspecting or vulnerable citizens.

16 (b) To provide the citizens of this state who use a caller identification service with
17 accurate information about the identities and locations of callers.

18 (c) To require telecommunications providers to swiftly implement technologies that will
19 allow telecommunications providers to identify and stop illegal calling practices.

20 (d) That this act be construed as broadly as possible to ensure that the citizens of this
21 state are protected from the negative impact of illegal robocalls and to ensure that scammers and
22 complicit telecommunications providers are held criminally accountable.

23 2 Telemarketing and Automatic Dialing Devices; Definitions RSA 359-E:1 is repealed and
24 reenacted to read as follows:

25 359-E:1 Definitions. In this chapter:

26 I. "Automatic dialing device" means equipment that makes a series of calls to stored
27 telephone numbers, including numbers stored on a list, except for equipment that requires a human
28 to dial or place each individual call one call at a time, and requires such human to then remain on
29 each call.

1 II. "Automatic telephone dialing system" means any automatic terminal equipment which
2 stores or produces numbers to be called randomly or sequentially and which delivers a prerecorded
3 message to the number called without assistance of a live operator.

4 III. "Caller identification information" means:

5 (a) The telephone listing number and/or name of the customer from whose telephone
6 instrument a telephone number is dialed; or

7 (b) Other information that may be used to identify the specific originating number or
8 originating location of a wire or electronic communication transmitted by a telephone instrument.

9 IV. "Consumer" means a natural person who is solicited to purchase, lease or receive a good
10 or service for personal, family or household use.

11 V. "Consumer telephone call" means a call made to a telephone number by a telephone
12 solicitor, whether by device, live operator, or any combination thereof, for the purpose of soliciting a
13 sale of any consumer goods or services for personal, family or household purposes to the consumer
14 called, or for the purpose of soliciting an extension of credit for consumer goods or services to the
15 consumer called, or for the purpose of obtaining information that will or may be used for the direct
16 solicitation of a sale of consumer goods or services to the consumer called or an extension of credit for
17 such purposes; provided, however, that "consumer telephone call" shall not include a call made by a
18 telephone corporation, as defined by subdivision seventeen of section two of the public service law, in
19 response to a specific inquiry initiated by a consumer regarding that consumer's existing or
20 requested telephone service.

21 VI. "Call mitigation technology" means technology that identifies an incoming call or text
22 message as being, or as probably being, an unwanted robocall, and, on that basis, blocks the call or
23 message, diverts it to the called person's answering system, or otherwise prevents it from being
24 completed to the called person, except that it permits a call or text so identified to be completed
25 when it is identified as being made by a law enforcement or public safety entity;

26 VII. "Department" means the department of justice.

27 VIII. "Labor organization" means any organization of any kind which exists for the purpose,
28 in whole or in part, of representing employees employed within the state of New Hampshire in
29 dealing with employers or employer organizations or with a state government, or any political or
30 civil subdivision or other agency thereof, concerning terms and conditions of employment,
31 grievances, labor disputes, or other matters incidental to the employment relationship. For the
32 purposes of this section, each local, parent national or parent international organization of a
33 statewide labor organization, and each statewide federation receiving dues from subsidiary labor
34 organizations, shall be considered a separate labor organization.

35 IX. "Per-call blocking" means a telecommunications service that prevents the transmission
36 of caller identification information to a called party on an individual call if the calling party acts
37 affirmatively to prevent the transmission of the caller identification information.

1 X. "Per-line blocking" means a telecommunications service that prevents the transmission of
2 caller identification information to a called party on every call unless the calling party acts
3 affirmatively to release the caller identification information.

4 XI. "Person" means any natural person, firm, organization, partnership, association or
5 corporation, or other entity, whether for-profit or not-for-profit;

6 XII. "Prior express consent" for a call means that the purpose of the call must be closely
7 related to the purpose for which the telephone number was originally provided by the called party.
8 A call by a non-profit organization which is federally tax exempt pursuant to 26 U.S.C. 501(c), to a
9 member who had joined such organization or to the household of such a member, is presumed to be
10 closely related. A customer's prior express consent can be revoked by the customer at any time in
11 any reasonable manner, regardless of the context in which the owner or user of the telephone
12 provided consent;

13 XIII. "Robocall" means a call made, including a text message sent, to any telephone number
14 owned by a person or entity in the state:

15 (a) Using an automatic dialing device; or

16 (b) Using an artificial or prerecorded voice.

17 XIV. "Solicitation" means the unrequested initiation of a telephone call to a residential
18 telephone subscriber for the purposes of giving, selling, or leasing services or goods, whether real or
19 personal, tangible or intangible; or to gain a pledge, promise or contribution in circumstances where
20 there is no pre-existing relationship between the caller and the person called; or to obtain
21 information, data or opinions.

22 XV. "Telephone service provider" means any company that provides voice service utilizing
23 any technology, regardless of whether such provider is regulated pursuant to the public service law.

24 XVI. "Telephone solicitor" means a person who makes or causes to be made a consumer
25 telephone call.

26 3 Automatic Dialing. RSA 359-E:4 and 359-E:5 are repealed and reenacted to read as follows:

27 359-E:4 Automatic Dialing Devices; Robocalls; Service Providers.

28 I. No person shall make any robocall, nor place any consumer telephone call, except in
29 accordance with the provisions of this section. The making of a robocall by any person, either
30 individually or acting as an officer, agent, or employee of a person making a robocall, is subject to the
31 provisions of this section.

32 II. A person shall be permitted to make a robocall only when such robocall is:

33 (a) Made for emergency purposes, pursuant to paragraph IX.

34 (b) Made with the prior express consent of the called party.

35 (c) Made by a labor organization to such organization's members or to the household of
36 such members.

1 (d) Authorized by rules adopted by the department which may permit robocalls to be
2 made to a residential telephone line without prior express consent if such calls are not made for a
3 commercial purpose.

4 II.(a) If a robocall or consumer telephone call permitted by this section uses a prerecorded
5 voice, such call shall state at the beginning of the call the nature of the call and the name of the
6 person or entity on whose behalf the message is being transmitted and at the end of such message
7 the address, and telephone number of the person on whose behalf the message is transmitted,
8 provided such disclosures are not otherwise prohibited or restricted by any federal, state or local law;
9 and

10 (b) If a robocall permitted by this section is made using an automatic dialing device,
11 such device shall disconnect from the telephone line upon the termination of the call by either the
12 person calling or the person called.

13 III. No person shall operate an automatic dialing device which uses a random or sequential
14 number generator to produce a number to be called.

15 IV. No person making a robocall shall knowingly cause any caller identification service to
16 transmit misleading, inaccurate, or false caller identification information with the intent to defraud,
17 cause harm, or wrongfully obtain anything of value.

18 V. This section does not prohibit: (a) Any authorized activity of a law enforcement agency; or
19 (b) Any activity pursuant to a court order that specifically authorizes the use of caller identification
20 manipulation.

21 VI. No robocall or consumer telephone call shall be placed to an emergency telephone line
22 including but not limited to any 911 or E-911 line, or any emergency line of any volunteer fire
23 company or fire department; any emergency medical service, ambulance service, voluntary
24 ambulance service or hospital ambulance service; any hospital, nursing home, or residential health
25 care facility; any adult care facility, or any law enforcement agency or to the telephone line of any
26 guest room or patient room of any hospital, nursing home, or residential health care facility, or any
27 adult care facility. It shall not constitute a violation of this section if the person who places such a
28 call can affirmatively establish that the call was placed inadvertently despite good faith efforts on
29 the part of such person to comply with the provisions of this section and such person has
30 implemented a procedure to prevent subsequent calls from being placed to a particular prohibited
31 telephone number.

32 VII. A telephone solicitor shall not make a consumer telephone call to a consumer unless the
33 telephone solicitor conforms with this chapter.

34 VIII. No telephone solicitor or person who places any consumer telephone call or robocall
35 and no employer of any such telephone solicitor or person shall intentionally cause to be installed, or
36 shall intentionally utilize, any blocking device or service to prevent the name and/or telephone
37 number of such solicitor or person, or the name and/or telephone number of his or her employer,

1 from being displayed on a caller identification device of the recipient of any such consumer telephone
2 call.

3 IX. Federal, state, or political subdivision authorities making a robocall for emergency
4 purposes or through the operation of a telephone warning or alert system shall be exempted from the
5 provisions of this section.

6 X.(a) A telephone service provider that provides telephone service to customers residing in
7 the state shall make call mitigation technology available to any such customer, upon request, and at
8 no additional charge. Such provider shall also offer to any such customer the ability to have the
9 provider prevent calls and text messages identified as originating from a particular person from
10 being completed to the called person, upon request, and at no additional charge.

11 (b) The department shall adopt rules under RSA 541-A to implement the requirements
12 of this section, including, if appropriate, a reasonable delay in the requiring implementation and
13 offering of call mitigation technology if for good cause, taking into account the consumer protection
14 purposes of this section, and including procedures for addressing incidents in which a call wanted by
15 the customer is prevented from reaching the customer. The department may also promulgate
16 regulations allowing for the requirements of this section to be waived for existing network facilities
17 in instances where the telephone service provider can demonstrate that call mitigation technology
18 cannot feasibly be implemented on such facilities due to technological limitations, until such time as
19 it can be feasibly implemented.

20 359-E:5 Reporting.

21 I. The department shall report on issues related to illegal robocalls made to telephone
22 numbers owned by a person or entity in this state, and on the status of the implementation and
23 offering of call mitigation technology by telephone service providers that provide telephone service to
24 customers residing in the state. Such report shall be delivered no later than December 1, and
25 annually thereafter, to the governor, the president of the senate, speaker of the house of
26 representatives, and the state library.

27 II. Such report shall include:

28 (a) A list of telephone service providers operating in this state, and the status of their
29 implementation and offering of call mitigation technology.

30 (b) Information regarding delays in the implementation and offering of call mitigation
31 technology, and the reasons for such delays.

32 (c) Recommendations for additional measures to protect customers from illegal robocalls.

33 (d) The number of illegal robocalls made to telephone numbers owned by a person or
34 entity in this state, to the extent that such information is known.

35 (e) Any other information or recommendations relating to the issue of robocalls that the
36 department judges to be pertinent or necessary.

37 4 Violations; Penalty. Amend RSA 359-E:6 to read as follows:

1 359-E:6 Violations; ***Penalty; Injunction; Enforcement.***

2 ***I.*** Any violation of the provisions of this subdivision shall constitute an unfair or deceptive
3 act or practice within the meaning of RSA 358-A:2. Any right, remedy, or power set forth in RSA
4 358-A, including those set forth in RSA 358-A:4, may be used to enforce the provisions of this
5 chapter. Such remedies shall be in addition to any other remedies provided by law or equity.

6 ***II.*** ***Whenever there shall be a violation of any of the provisions of RSA 359-E:4, an***
7 ***application may be made by the attorney general in the name of the people of the state of***
8 ***New Hampshire to a court or justice having jurisdiction to issue an injunction, and upon***
9 ***notice to the defendant of not less than 5 days, to enjoin and restrain the continuance of***
10 ***such violations; and if it shall appear to the satisfaction of the court or justice, that the***
11 ***defendant has, in fact, violated this section, an injunction may be issued by such court or***
12 ***justice enjoining and restraining any further violation, without requiring proof that any***
13 ***person has, in fact, been injured or damaged thereby. In any such proceeding, the court***
14 ***may make allowances to the attorney general and direct restitution. Whenever the court***
15 ***shall determine that a violation of RSA 359-E:4 has occurred, the court may impose a civil***
16 ***penalty of not more than \$2,000 per call, up to a total of not more than \$100,000, for calls***
17 ***placed in violation within a continuous 72-hour period. In connection with any such***
18 ***proposed application, the attorney general is authorized to take proof and make a***
19 ***determination of the relevant facts and to issue subpoenas.***

20 5 Reference Corrected; Campaign Calls. Amend RSA 664:14-b, I to read as follows:

21 ***I.*** No person shall knowingly misrepresent the origin of a telephone call which expressly or
22 implicitly advocates the success or defeat of any party, measure, or person at any election, or
23 contains any information about any candidate or party. Such knowing misrepresentation shall
24 include, but shall not be limited to, causing the displayed caller identification information, as defined
25 in RSA 359-E:1, [~~I-a~~] ***III***, to indicate that a telephone call originates from a number, person, or
26 organization other than the number, person, or organization originating the call, or making a call
27 knowing that some other person has caused said misrepresentation, except if the displayed caller
28 identification number is a number at which the person or organization responsible for sponsoring or
29 making the call may directly receive a return call.

30 6 Severability. If any provision of this act, or any application of any provision of this act, is held
31 to be invalid, that shall not affect the validity or effectiveness of any other provision of this act, or of
32 any other application of any provision of this act, which can be given effect without that provision or
33 application; and to that end, the provisions and applications of this act are severable.

34 7 Effective Date. This act shall take effect January 1, 2022.