

**COMMONWEALTH OF KENTUCKY STATE FISCAL NOTE STATEMENT  
LEGISLATIVE RESEARCH COMMISSION  
2018 REGULAR SESSION**

**MEASURE**

2018 BR NUMBER **0370**

**HOUSE** BILL NUMBER **59**

RESOLUTION NUMBER \_\_\_\_\_

AMENDMENT NUMBER \_\_\_\_\_

**SUBJECT/TITLE** **An ACT relating to the disclosure of private cellular phone numbers.**

**SPONSOR** **Representative Gerald Watkins**

**NOTE SUMMARY**

FISCAL ANALYSIS:  IMPACT     NO IMPACT     INDETERMINABLE IMPACT

LEVEL(S) OF IMPACT:  STATE     LOCAL     FEDERAL

BUDGET UNIT(S) IMPACT: **Office of the Attorney General**

FUND(S) IMPACT:  GENERAL     ROAD     FEDERAL     RESTRICTED AGENCY \_\_\_\_\_     OTHER

**FISCAL SUMMARY**

<b>FISCAL ESTIMATES</b>	<b>2017-2018</b>	<b>2018-2019</b>	<b>2019-2020</b>	<b>ANNUAL IMPACT AT FULL IMPLEMENTATION</b>
<b>REVENUES</b>		Indeterminable	Indeterminable	Indeterminable
<b>EXPENDITURES</b>		\$229,800	\$229,800	\$229,800
<b>NET EFFECT</b>		Indeterminable	Indeterminable	Indeterminable

( ) indicates a decrease/negative

**MEASURE'S PURPOSE:** To make it unlawful for persons, directory providers, and wireless communications providers to market, sell, or share wireless phone numbers without express consent of the subscriber and to charge a monetary civil penalty for such violations.

**PROVISIONS/MECHANICS:** Section 1 creates a new section of KRS Chapter 367 to define terms, make it unlawful to sell, share, or market subscriber wireless phone numbers, outline forms of consent to share subscriber phone numbers, and create exceptions to the bill to outline instances when it is lawful for entities to share wireless phone numbers.

Section 2 amends KRS 367.990 to add a civil fine of \$1,000-10,000 for violations of Section 1 of the bill and designates the Attorney General to enforce the penalty.

**FISCAL EXPLANATION:**

It is likely that the state would receive revenues from the penalty established under the bill, but without available data, the fiscal effect is indeterminable. Receipts from the proposed penalties

under Section 2 of the bill would go to the General Fund, since the destination of the revenues is not enumerated in the bill.

The Office of the Attorney General states the bill would require 2 additional full-time personnel in the Division of Consumer Protection to enforce and investigate the violations created under the bill. The Office of the Attorney General estimates the additional personnel costs to be \$218,900 annually and additional operating costs to be \$10,900 annually.

The net effect of the bill is unknown. The bill could have a positive net effect if the revenues received from the civil fines exceed costs, or the bill could have a negative net effect if the Attorney General's actual costs of enforcing the provisions exceed the receipts from the civil fines.

**DATA SOURCE(S): LRC Staff, Office of the Attorney General**

**PREPARER: Nick Peak NOTE NUMBER: 11 REVIEW: JAB DATE: 1/11/2018**