

BILL ANALYSIS

C.S.H.B. 147
By: Solomons
Business & Industry
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Under the Texas Telemarketing and Disclosure and Privacy Act, a consumer is allowed to register a non-business number on the Texas No-Call List. While the Act does not specifically mention mobile phones, citizens are receiving more and more telemarketing calls to their cellular phones. In November 2002, the Federal Communications Commission allowed consumers to transfer their land-line number to a mobile telephone, further increasing the likelihood of telemarketing to mobile numbers. House Bill 147 would clarify that the definition of a telemarketing call regulated by the Act would include a call to a mobile telephone number.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does grant additional rulemaking authority to the Public Utility Commission, Section 2 (a).

ANALYSIS

House Bill 147 amends the Business and Commerce Code to add calls made to a mobile telephone number to the definition of a telemarketing call regulated by the Texas Telemarketing and Disclosure and Privacy Act.

The Texas Telemarketing and Disclosure and Privacy Act also requires local exchange telephone companies to inform their customers of the Texas No-Call list with annual billing inserts or notices in the local directories. It also requires commercial mobile service providers that provide service in this state to also provide their customers with informational notices of the No-Call List annually.

EFFECTIVE DATE

This Act takes effect immediately if it receives a vote of two-thirds of all members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2003.

COMPARISON OF ORIGINAL TO SUBSTITUTE

C.S.H.B. 147 differs from the original by adding methods by which the local exchange telephone companies and mobile service providers can alert their customers of the Texas No-Call List annually. Additional methods include notice on electronic billing, notification on a paper bill, or text messaging that is free to the customer.

