

BILL ANALYSIS

C.S.H.B. 149
By: Solomons
Business & Industry
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Under the Texas Telemarketing, Disclosure and Privacy Act, the Public Utility Commission (PUC) or a third party vendor contracted by the PUC collects the names, addresses, and telephone numbers of consumers who wish to have their telephone number registered on the Texas No-Call List. Currently, the list sold to telemarketers quarterly contains the same information. Consumers have complained to the PUC that telemarketers should not have access to all of this information. House Bill 149 strengthens the privacy of consumers registered on the Texas No-Call List.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Public Utility Commission in SECTION 3 of this bill.

ANALYSIS

House Bill 149 amends the Business and Commerce Code to delete the requirement that full addresses be collected from consumers wishing to register on the No-Call List. However, the PUC shall continue to collect zip codes of consumers to include in the database for the purpose of creating regional No-Call Lists as required by the Act. All address information is deleted from the published No-Call List available to telemarketers.

House Bill 149 also amends the Government Code to exclude the No-Call List and the database from the Texas Open Records Act.

EFFECTIVE DATE

This Act takes effect immediately if it receives a vote of two-thirds of all the 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 September 1, 2003.

COMPARISON OF ORIGINAL TO SUBSTITUTE

C.S.H.B. 149 only differs from the introduced bill, in that it has been drafted by Legislative Council.