

BILL ANALYSIS

Senate Research Center

S.B. 378
By: Armbrister
Business & Commerce
8/25/2003
Enrolled

DIGEST AND PURPOSE

Currently, Texas law has no provision prohibiting the misrepresentation of a floral industry business's geographic location. There are a number of floral telemarketing businesses that falsely advertise in local telephone directories and listings as a local business and subsequently charge additional fees when filling the order. S.B. 378 prohibits the use of local contact information in telephone directories or databases to misrepresent a business's geographic location.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter E, Chapter 17, Business & Commerce Code, by adding Section 17.462, as follows:

Sec. 17.462. LISTING OF BUSINESS LOCATION IN DIRECTORY OR DATABASE.

(a) Prohibits a person from misrepresenting the geographical location of a business that derives 50 percent or more of its gross income from the sale or arranging for the sale of flowers or floral arrangements in the listing in a telephone directory or other directory assistance database.

(b) Provides certain criteria by which a person is considered to have misrepresented the location of a business for purposes of Subsection (a).

(c) Authorizes a person to place a business directory listing indicating that the business is located in a different geographical area, if a conspicuous notice in the listing states the municipality and state in which the business is located.

(d) Provides that this section does not apply to certain entities.

(e) Provides that this section creates no duty and imposes no obligation upon anyone other than the business that is the subject of the advertisement or listing.

(f) Provides that violation of this section is a false, misleading, or deceptive act or practice under this subchapter, and authorizes certain remedies to enforce this section.

SECTION 2. Effective date: September 1, 2003.
Makes application of this Act prospective.