

AN ACT

relating to application of the no-call list provisions to commercial mobile service providers and subscribers.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 43.002(9), Business & Commerce Code, as added by Chapter 1429, Acts of the 77th Legislature, Regular Session, 2001, is amended to read as follows:

(9) "Telephone call" means a call or other transmission which is made to or received at a telephone number, including:

(A) a call made by an automated telephone dialing system; ~~and~~

(B) a transmission to a facsimile recording device; and

(C) a call to a mobile telephone number serviced by a provider of commercial mobile service, as defined by Section 332(d), Communications Act of 1934 (47 U.S.C. Section 151 et seq.), as amended, Federal Communications Commission rules, and the Omnibus Budget Reconciliation Act of 1993 (Pub. L. No. 103-66), as amended.

SECTION 2. Section 43.103(a), Business & Commerce Code, as added by Chapter 1429, Acts of the 77th Legislature, Regular Session, 2001, is amended to read as follows:

(a) The commission may adopt rules to administer this

1 subchapter. The commission shall adopt rules:

2 (1) requiring each local exchange telephone company
3 and each commercial mobile service provider that provides
4 commercial mobile service in this state to inform its customers of
5 the requirements of this subchapter by annual inserts in billing
6 statements mailed to customers, notification in a customer's
7 electronic bill, notification printed on a customer's paper bill,
8 notification sent free of charge by messaging service to a
9 customer's mobile telephone number, or conspicuous publication of
10 the notice in the consumer information pages of local telephone
11 directories or other appropriate notice to consumers;

12 (2) providing that a telemarketing call made to a
13 number on the Texas no-call list is not a violation of Section
14 43.102 if the telemarketing call is an isolated occurrence made by a
15 person who has in place adequate procedures to comply with this
16 subchapter; and

17 (3) providing for:

18 (A) the dissemination of the Texas no-call lists
19 in formats, including electronic formats, commonly used by persons
20 making telemarketing calls; and

21 (B) a fee for each such distribution not to
22 exceed \$75.

23 SECTION 3. (a) A commercial mobile service provider that
24 provides commercial mobile service in Texas shall comply with the
25 rules under Section 43.103, Business & Commerce Code, as added by
26 Chapter 1429, Acts of the 77th Legislature, Regular Session, 2001,
27 and as amended by this Act, before October 1, 2003.

1 (b) The Public Utility Commission of Texas, or the
2 appropriate private vendor maintaining the Texas no-call list,
3 shall begin including mobile telephone numbers as required under
4 Section 43.103, Business & Commerce Code, as added by Chapter 1429,
5 Acts of the 77th Legislature, Regular Session, 2001, and as amended
6 by this Act, on the Texas no-call list that is updated and published
7 on January 1, 2004.

8 SECTION 4. This Act takes effect immediately if it receives
9 a vote of two-thirds of all the members elected to each house, as
10 provided by Section 39, Article III, Texas Constitution. If this
11 Act does not receive the vote necessary for immediate effect, this
12 Act takes effect September 1, 2003.

President of the Senate

Speaker of the House

I certify that H.B. No. 147 was passed by the House on April 3, 2003, by the following vote: Yeas 141, Nays 0, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 147 was passed by the Senate on May 22, 2003, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor