

By: Solomons

H.B. No. 147

A BILL TO BE ENTITLED

1 AN ACT

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

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

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

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

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

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

15 (C) a call to a mobile telephone number serviced  
16 by a provider of commercial mobile service, as defined by Section  
17 332(d), Communications Act of 1934 (47 U.S.C. Section 151 et seq.),  
18 as amended, Federal Communications Commission rules, and the  
19 Omnibus Budget Reconciliation Act of 1993 (Pub. L. No. 103-66), as  
20 amended.

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

24 (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 or conspicuous publication of the  
7 notice in the consumer information pages of local telephone  
8 directories or other appropriate notice to consumers;

9 (2) providing that a telemarketing call made to a  
10 number on the Texas no-call list is not a violation of Section  
11 43.102 if the telemarketing call is an isolated occurrence made by a  
12 person who has in place adequate procedures to comply with this  
13 subchapter; and

14 (3) providing for:

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

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

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

25 (b) The Public Utility Commission of Texas, or the  
26 appropriate private vendor maintaining the Texas no-call list,  
27 shall begin including mobile telephone numbers as required under

1 Section 43.103, Business & Commerce Code, as added by Chapter 1429,  
2 Acts of the 77th Legislature, Regular Session, 2001, and as amended  
3 by this Act, on the Texas no-call list that is updated and published  
4 on January 1, 2004.

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