

1-1 By: Solomons, Woolley, et al. H.B. No. 147
1-2 (Senate Sponsor - Shapleigh)
1-3 (In the Senate - Received from the House April 7, 2003;
1-4 April 9, 2003, read first time and referred to Committee on
1-5 Business and Commerce; May 8, 2003, reported favorably by the
1-6 following vote: Yeas 9, Nays 0; May 8, 2003, sent to printer.)

1-7 A BILL TO BE ENTITLED
1-8 AN ACT

1-9 relating to application of the no-call list provisions to
1-10 commercial mobile service providers and subscribers.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Section 43.002(9), Business & Commerce Code, as
1-13 added by Chapter 1429, Acts of the 77th Legislature, Regular
1-14 Session, 2001, is amended to read as follows:

1-15 (9) "Telephone call" means a call or other
1-16 transmission which is made to or received at a telephone number,
1-17 including:

1-18 (A) a call made by an automated telephone dialing
1-19 system; ~~and~~

1-20 (B) a transmission to a facsimile recording
1-21 device; and

1-22 (C) a call to a mobile telephone number serviced
1-23 by a provider of commercial mobile service, as defined by Section
1-24 332(d), Communications Act of 1934 (47 U.S.C. Section 151 et seq.),
1-25 as amended, Federal Communications Commission rules, and the
1-26 Omnibus Budget Reconciliation Act of 1993 (Pub. L. No. 103-66), as
1-27 amended.

1-28 SECTION 2. Section 43.103(a), Business & Commerce Code, as
1-29 added by Chapter 1429, Acts of the 77th Legislature, Regular
1-30 Session, 2001, is amended to read as follows:

1-31 (a) The commission may adopt rules to administer this
1-32 subchapter. The commission shall adopt rules:

1-33 (1) requiring each local exchange telephone company
1-34 and each commercial mobile service provider that provides
1-35 commercial mobile service in this state to inform its customers of
1-36 the requirements of this subchapter by annual inserts in billing
1-37 statements mailed to customers, notification in a customer's
1-38 electronic bill, notification printed on a customer's paper bill,
1-39 notification sent free of charge by messaging service to a
1-40 customer's mobile telephone number, or conspicuous publication of
1-41 the notice in the consumer information pages of local telephone
1-42 directories or other appropriate notice to consumers;

1-43 (2) providing that a telemarketing call made to a
1-44 number on the Texas no-call list is not a violation of Section
1-45 43.102 if the telemarketing call is an isolated occurrence made by a
1-46 person who has in place adequate procedures to comply with this
1-47 subchapter; and

1-48 (3) providing for:

1-49 (A) the dissemination of the Texas no-call lists
1-50 in formats, including electronic formats, commonly used by persons
1-51 making telemarketing calls; and

1-52 (B) a fee for each such distribution not to
1-53 exceed \$75.

1-54 SECTION 3. (a) A commercial mobile service provider that
1-55 provides commercial mobile service in Texas shall comply with the
1-56 rules under Section 43.103, Business & Commerce Code, as added by
1-57 Chapter 1429, Acts of the 77th Legislature, Regular Session, 2001,
1-58 and as amended by this Act, before October 1, 2003.

1-59 (b) The Public Utility Commission of Texas, or the
1-60 appropriate private vendor maintaining the Texas no-call list,
1-61 shall begin including mobile telephone numbers as required under
1-62 Section 43.103, Business & Commerce Code, as added by Chapter 1429,
1-63 Acts of the 77th Legislature, Regular Session, 2001, and as amended
1-64 by this Act, on the Texas no-call list that is updated and published

2-1 on January 1, 2004.

2-2 SECTION 4. This Act takes effect immediately if it receives
2-3 a vote of two-thirds of all the members elected to each house, as
2-4 provided by Section 39, Article III, Texas Constitution. If this
2-5 Act does not receive the vote necessary for immediate effect, this
2-6 Act takes effect September 1, 2003.

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