

By: Solomons, Woolley

H.B. No. 149

Substitute the following for H.B. No. 149:

By: Elkins

C.S.H.B. No. 149

A BILL TO BE ENTITLED

AN ACT

1
2 relating to certain privacy protections for consumer information
3 included in the Texas no-call list.

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

5 SECTION 1. Section 43.101, 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 Sec. 43.101. COMMISSION TO ESTABLISH TEXAS NO-CALL LISTS.

9 (a) The commission shall establish and provide for the operation of
10 a database to compile a list of names, zip codes [~~addresses~~], and
11 telephone numbers of consumers in this state who object to
12 receiving unsolicited telemarketing or telephone calls.

13 (b) The commission may contract with a private vendor to
14 maintain the Texas no-call list if:

15 (1) the private vendor has maintained a national
16 no-call list database for more than two years containing the names
17 [~~addresses~~] and telephone numbers of consumers in this state who
18 have previously requested to be added to the vendor's national
19 no-call list; and

20 (2) the contract requires the vendor to publish the
21 Texas portion of the national no-call list in an electronic format
22 to any telemarketer who agrees to use the Texas no-call list only
23 for the purposes of updating the no-call list of that telemarketer
24 by including in its list persons with whom the telemarketer does not

1 have an established business relationship.

2 (c) The Texas no-call list must contain the name [~~, address,~~
3 and telephone numbers of each consumer in this state who has
4 requested to be on that list. The Texas no-call list shall be
5 updated and published on January 1, April 1, July 1, and October 1
6 of each year. An entry on the Texas no-call list expires on the
7 third anniversary of the date the entry is first published on the
8 list. An entry may be renewed for successive three-year periods.
9 The telephone number of the consumer on the Texas no-call list may
10 be deleted from the list on the consumer's written request or if the
11 telephone number of the consumer is changed. The commission may
12 charge a person a reasonable amount not to exceed \$3 for a request
13 to place a telephone number on the Texas no-call list established by
14 the commission or to renew an entry on the list. The commission
15 shall develop and make available a form to be used by customers to
16 request to be on the Texas no-call list and shall provide a
17 toll-free telephone number and Internet mail address that persons
18 may call or write to obtain a copy of the form. A private for-profit
19 publisher of a residential telephone directory that is distributed
20 to the public at minimal or no cost shall include in the directory a
21 prominently displayed toll-free number and Internet mail address
22 established by the commission through which a person may order a
23 copy of the form.

24 SECTION 2. Subchapter C, Chapter 552, Government Code, is
25 amended by adding Section 552.141 to read as follows:

26 Sec. 552.141. EXCEPTION: TEXAS NO-CALL LIST. The Texas
27 no-call list created under Subchapter C, Chapter 43, Business &

1 Commerce Code, as added by Chapter 1429, Acts of the 77th
2 Legislature, Regular Session, 2001, is excepted from the
3 requirements of Section 552.021.

4 SECTION 3. The Public Utility Commission of Texas shall
5 adopt rules implementing the changes to the Texas no-call list and
6 shall delete consumer addresses from the Texas no-call list, as
7 required by this Act, before October 1, 2003.

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.