

1-1 By: Solomons, Woolley (Senate Sponsor - Shapleigh) H.B. No. 149  
1-2 (In the Senate - Received from the House April 7, 2003;  
1-3 April 9, 2003, read first time and referred to Committee on  
1-4 Business and Commerce; May 8, 2003, reported favorably by the  
1-5 following vote: Yeas 9, Nays 0; May 8, 2003, sent to printer.)

1-6 A BILL TO BE ENTITLED  
1-7 AN ACT

1-8 relating to certain privacy protections for consumer information  
1-9 included in the Texas no-call list.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Section 43.101, Business & Commerce Code, as  
1-12 added by Chapter 1429, Acts of the 77th Legislature, Regular  
1-13 Session, 2001, is amended to read as follows:

1-14 Sec. 43.101. COMMISSION TO ESTABLISH TEXAS NO-CALL LISTS.

1-15 (a) The commission shall establish and provide for the operation of  
1-16 a database to compile a list of names, zip codes [~~addresses~~], and  
1-17 telephone numbers of consumers in this state who object to  
1-18 receiving unsolicited telemarketing or telephone calls.

1-19 (b) The commission may contract with a private vendor to  
1-20 maintain the Texas no-call list if:

1-21 (1) the private vendor has maintained a national  
1-22 no-call list database for more than two years containing the names  
1-23 [~~addresses~~] and telephone numbers of consumers in this state who  
1-24 have previously requested to be added to the vendor's national  
1-25 no-call list; and

1-26 (2) the contract requires the vendor to publish the  
1-27 Texas portion of the national no-call list in an electronic format  
1-28 to any telemarketer who agrees to use the Texas no-call list only  
1-29 for the purposes of updating the no-call list of that telemarketer  
1-30 by including in its list persons with whom the telemarketer does not  
1-31 have an established business relationship.

1-32 (c) The Texas no-call list must contain the name [~~address~~]  
1-33 and telephone numbers of each consumer in this state who has  
1-34 requested to be on that list. The Texas no-call list shall be  
1-35 updated and published on January 1, April 1, July 1, and October 1  
1-36 of each year. An entry on the Texas no-call list expires on the  
1-37 third anniversary of the date the entry is first published on the  
1-38 list. An entry may be renewed for successive three-year periods.  
1-39 The telephone number of the consumer on the Texas no-call list may  
1-40 be deleted from the list on the consumer's written request or if the  
1-41 telephone number of the consumer is changed. The commission may  
1-42 charge a person a reasonable amount not to exceed \$3 for a request  
1-43 to place a telephone number on the Texas no-call list established by  
1-44 the commission or to renew an entry on the list. The commission  
1-45 shall develop and make available a form to be used by customers to  
1-46 request to be on the Texas no-call list and shall provide a  
1-47 toll-free telephone number and Internet mail address that persons  
1-48 may call or write to obtain a copy of the form. A private for-profit  
1-49 publisher of a residential telephone directory that is distributed  
1-50 to the public at minimal or no cost shall include in the directory a  
1-51 prominently displayed toll-free number and Internet mail address  
1-52 established by the commission through which a person may order a  
1-53 copy of the form.

1-54 SECTION 2. Subchapter C, Chapter 552, Government Code, is  
1-55 amended by adding Section 552.141 to read as follows:

1-56 Sec. 552.141. EXCEPTION: TEXAS NO-CALL LIST. The Texas  
1-57 no-call list created under Subchapter C, Chapter 43, Business &  
1-58 Commerce Code, as added by Chapter 1429, Acts of the 77th  
1-59 Legislature, Regular Session, 2001, is excepted from the  
1-60 requirements of Section 552.021.

1-61 SECTION 3. The Public Utility Commission of Texas shall  
1-62 adopt rules implementing the changes to the Texas no-call list and  
1-63 shall delete consumer addresses from the Texas no-call list, as  
1-64 required by this Act, before October 1, 2003.

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

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