

AN ACT

relating to the listing of a business location of certain businesses in a telephone directory or database.

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

SECTION 1. Subchapter E, Chapter 17, Business & Commerce Code, is amended by adding Section 17.462 to read as follows:

Sec. 17.462. LISTING OF BUSINESS LOCATION IN DIRECTORY OR DATABASE. (a) A person may not misrepresent the geographical location of a business that derives 50 percent or more of its gross income from the sale or arranging for the sale of flowers or floral arrangements in the listing of the business in a telephone directory or other directory assistance database.

(b) A person is considered to misrepresent the geographical location of a business for purposes of Subsection (a) if the name of the business indicates that the business is located in a geographical area and:

(1) the business is not located within the geographical area indicated;

(2) the listing fails to identify the municipality and state of the business's geographical location; and

(3) a telephone call to the local telephone number listed in the directory or database routinely is forwarded or transferred to a location that is outside the calling area covered by the directory or database in which the number is listed.

1 (c) A person may place a directory listing for a business
2 described by Subsection (a) the name of which indicates that it is
3 located in a geographical area that is different from the
4 geographical area in which the business is located if a conspicuous
5 notice in the listing states the municipality and state in which the
6 business is located.

7 (d) This section does not apply to a publisher of a
8 telephone directory or other publication or a provider of a
9 directory assistance service publishing or providing information
10 about another business.

11 (e) This section creates no duty and imposes no obligation
12 upon anyone other than the business that is the subject of the
13 advertisement or listing.

14 (f) A violation of this section is a false, misleading, or
15 deceptive act or practice under this subchapter, and any public or
16 private right or remedy prescribed by this subchapter may be used to
17 enforce this section.

18 SECTION 2. This Act takes effect September 1, 2003, and
19 applies only to a telephone directory published or directory
20 assistance provided on or after that date. A telephone directory
21 published or directory assistance provided before September 1,
22 2003, is governed by the law as it existed immediately before the
23 effective date of this Act, and that law is continued in effect for
24 that purpose.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 378 passed the Senate on March 13, 2003, by the following vote: Yeas 30, Nays 0; and that the Senate concurred in House amendment on May 9, 2003, by a viva-voce vote.

Secretary of the Senate

I hereby certify that S.B. No. 378 passed the House, with amendment, on May 1, 2003, by a non-record vote.

Chief Clerk of the House

Approved:

Date

Governor