

1-1 By: Armbrister S.B. No. 378
1-2 (In the Senate - Filed February 6, 2003; February 11, 2003,
1-3 read first time and referred to Committee on Business and Commerce;
1-4 March 3, 2003, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 9, Nays 0; March 3, 2003,
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 378 By: Armbrister

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the listing of a business location of certain
1-11 businesses in a telephone directory or database.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Subchapter E, Chapter 17, Business & Commerce
1-14 Code, is amended by adding Section 17.462 to read as follows:

1-15 Sec. 17.462. LISTING OF BUSINESS LOCATION IN DIRECTORY OR
1-16 DATABASE. (a) A person may not misrepresent the geographical
1-17 location of a business that derives 50 percent or more of its gross
1-18 income from the sale or arranging for the sale of flowers or floral
1-19 arrangements in the listing of the business in a telephone
1-20 directory or other directory assistance database.

1-21 (b) A person is considered to misrepresent the geographical
1-22 location of a business for purposes of Subsection (a) if the name of
1-23 the business indicates that the business is located in a
1-24 geographical area and:

1-25 (1) the business is not located within the
1-26 geographical area indicated;

1-27 (2) the listing fails to identify the municipality and
1-28 state of the business's geographical location; and

1-29 (3) a telephone call to the local telephone number
1-30 listed in the directory or database routinely is forwarded or
1-31 transferred to a location that is outside the calling area covered
1-32 by the directory or database in which the number is listed.

1-33 (c) A person may place a directory listing for a business
1-34 described by Subsection (a) the name of which indicates that it is
1-35 located in a geographical area that is different from the
1-36 geographical area in which the business is located if a conspicuous
1-37 notice in the listing states the municipality and state in which the
1-38 business is located.

1-39 (d) This section does not apply to a publisher of a
1-40 telephone directory or other publication or a provider of a
1-41 directory assistance service publishing or providing information
1-42 about another business.

1-43 (e) A violation of this section is a false, misleading, or
1-44 deceptive act or practice under this subchapter, and any public or
1-45 private right or remedy prescribed by this subchapter may be used to
1-46 enforce this section.

1-47 SECTION 2. This Act takes effect September 1, 2003, and
1-48 applies only to a telephone directory published or directory
1-49 assistance provided on or after that date. A telephone directory
1-50 published or directory assistance provided before September 1,
1-51 2003, is governed by the law as it existed immediately before the
1-52 effective date of this Act, and that law is continued in effect for
1-53 that purpose.

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