

By: Pena

H.B. No. 12

A BILL TO BE ENTITLED

AN ACT

relating to privacy of wireless telecommunications customer information; providing a civil penalty.

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

SECTION 1. Subchapter D, Chapter 35, Business & Commerce Code, is amended by adding Section 35.63 to read as follows:

Sec. 35.63. PRIVACY OF WIRELESS TELECOMMUNICATIONS CUSTOMER INFORMATION. (a) In this section, "wireless telecommunications customer information" means any information, including consumption and credit information, that is:

(1) possessed by a provider of commercial mobile service, as defined by Section 332(d), Communications Act of 1934 (47 U.S.C. Section 151 et seq.), Federal Communications Commission rules, and the Omnibus Budget Reconciliation Act of 1993 (Pub. L. No. 103-66); and

(2) identifiable to a specific customer of the provider.

(b) A person may not:

(1) sell or otherwise disclose, or attempt to sell or otherwise disclose, wireless telecommunications customer information without the customer's consent; or

(2) obtain or attempt to obtain wireless telecommunications customer information by use of fraud or misrepresentation.

1        (c) This section does not prohibit:

2                (1) disclosure of wireless telecommunications  
3 customer information in the manner provided by Subchapter E,  
4 Chapter 64, Utilities Code, or as specifically provided by other  
5 law; or

6                (2) the lawful disclosure or obtaining of wireless  
7 telecommunications customer information by a law enforcement  
8 agency or an officer or other employee of a law enforcement agency  
9 in the performance of the agency's or employee's official duties.

10        (d) A person who violates this section is liable to the  
11 state for a civil penalty of \$5,000 for each customer whose  
12 information is included in the violation. The attorney general may  
13 sue to collect the civil penalty.

14        SECTION 2. This Act takes effect September 1, 2006.