

BILL ANALYSIS

Senate Research Center
79R10854 MTB-F

H.B. 2553
By: McCall (Gallegos)
Business & Commerce
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Engrossed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Concern regarding privacy issues currently exists as a result of the possibility that the Cellular Telecommunications and Internet Association could create a cellular phone number directory. H.B. 2553 addresses these concerns by requiring that commercial mobile service providers obtain express consent from a customer before putting the customer's phone number in a publicly available directory.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 64, Utilities Code, by adding Subchapter E, as follows:

SUBCHAPTER E. PUBLICATION OF MOBILE SERVICE CUSTOMER TELEPHONE NUMBERS

Sec. 64.201. DEFINITION. Defines "commercial mobile service provider."

Sec. 64.202. CONSENT REQUIRED. (a) Prohibits a commercial mobile service provider (provider) doing business in this state from publishing in a directory or providing for publication in a directory the name and telephone number of a mobile service customer in this state without the express consent of the customer. Requires the consent of a customer to be given in writing, verbally, or on the provider's website.

(b) Requires a provider, before a customer consents under Subsection (a), to disclose certain information to the customer in writing or verbally, as appropriate.

(c) Authorizes a customer who consents under Subsection (a) to revoke that consent at any time. Requires a provider to comply with the customer's request not later than the 60th day after the date the request is made.

(d) Prohibits a provider from billing a customer for not consenting under Subsection (a).

Sec. 64.203. VIOLATIONS. (a) Authorizes the attorney general to investigate violations of this subchapter and file civil enforcement actions seeking injunctive relief, attorney's fees, and civil penalties in an amount not to exceed \$1,000 for each violation. Authorizes the court, if the court finds the defendant wilfully or knowingly violated this chapter, to increase the amount of the civil penalties to an amount not to exceed \$3,000 for each violation.

(b) Provides that Chapter 15 (Judicial Review, Enforcement, and Penalties) does not apply to a violation of this subchapter.

SECTION 2. Effective date: September 1, 2005.