

BILL ANALYSIS

C.S.H.B. 2553
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Regulated Industries
Committee Report (Substituted)

BACKGROUND AND PURPOSE

In this day and age of technological innovation, solicitors and telemarketers have found all manners of ways, including the usage of landline telephones and the internet, in which to invade our everyday space. Many consumers, however, consider cellular phones as one of the last bastions of personal privacy. Therefore, when the Cellular Telecommunications & Internet Association began talks of possibly creating a cell phone directory, many privacy concerns were raised.

C.S.H.B. 2553 attempts to address these concerns by requiring that commercial mobile service providers obtain express consent from a customer before putting his or her phone number in a publicly available directory.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 2553 provides that a commercial mobile service provider may not publish a directory of cell phone numbers without the written consent of the customer.

C.S.H.B. 2553 also provides that notice to the customer must include disclosure that by consenting to the public directory, the customer may incur additional charges due to unsolicited calls or text messages.

Under C.S.H.B. 2553, the customer may revoke consent at any time and the commercial mobile service provider must comply with the customer's request to be removed from the directory within 60 days.

C.S.H.B. 2553 gives the Attorney General the right to investigate violations and implement penalties.

EFFECTIVE DATE

This Act takes effect September 1, 2005.

COMPARISON OF ORIGINAL TO SUBSTITUTE

The substitute differs from the original in that the substitute asks for "express consent" instead of "written consent."

The substitute differs from the original in that manners in which to obtain "consent" now include both verbal disclosure and disclosure on a website.

The substitute differs from the original in that the Attorney General is given the authority to investigate and prosecute violations instead of the Public Utility Commission.