

By: McCall

H.B. No. 2553

A BILL TO BE ENTITLED

AN ACT

relating to the publication of mobile service customer telephone numbers by commercial mobile service providers.

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

SECTION 1. Chapter 64, Utilities Code, is amended by adding Subchapter E to read as follows:

SUBCHAPTER E. PUBLICATION OF MOBILE SERVICE CUSTOMER TELEPHONE NUMBERS

Sec. 64.201. DEFINITION. In this subchapter, "commercial mobile service provider" means 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).

Sec. 64.202. CONSENT REQUIRED. (a) A commercial mobile service provider doing business in this state may not publish in a directory or provide for publication in a directory the name and telephone number of a mobile service customer in this state without the written consent of the customer. The form for obtaining the consent of a customer must:

(1) be a separate document;

(2) include a requirement that the customer sign and date the document;

(3) conspicuously state that, by signing and dating

1 the document, the customer consents to have the customer's
2 telephone number sold or licensed as part of a list of customers and
3 the customer's telephone number may be included in a publicly
4 available directory; and

5 (4) if the customer's calling plan bills the customer
6 for unsolicited calls or text messages from a telemarketer,
7 conspicuously state that, by consenting to have the customer's
8 telephone number sold or licensed as part of a list of customers or
9 be included in a publicly available directory, the customer may
10 incur additional charges for receiving unsolicited calls or text
11 messages.

12 (b) A customer who consents under Subsection (a) may revoke
13 that consent at any time. A commercial mobile service provider
14 shall comply with the customer's request not later than the 60th day
15 after the date the request is made.

16 (c) A commercial mobile service provider may not bill a
17 mobile services customer for not consenting under Subsection (a).

18 Sec. 64.203. VIOLATIONS. If the commission finds that a
19 commercial mobile service provider violated this subchapter, the
20 commission may implement penalties and other enforcement actions
21 under Chapter 15.

22 SECTION 2. This Act takes effect September 1, 2005.