

By: Frost

H.B. No. 2592

A BILL TO BE ENTITLED

AN ACT

relating to a requirement that certain broadband network operators provide notice of inability to access emergency services.

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

SECTION 1. Subchapter A, Chapter 64, Utilities Code, is amended by adding Section 64.005 to read as follows:

Sec. 64.005. NOTICE OF INABILITY TO ACCESS EMERGENCY SERVICES. (a) This section applies to an entity that uses a broadband network to provide a service that would be classified as a local exchange telephone service if the service were provided by a telecommunications utility and the service provided by the entity does not provide access to 911 service or dual party relay service.

(b) An entity to which this section applies may not enter into a contract to provide a service described by Subsection (a) unless the entity first provides to the customer a notice that the service does not provide access to 911 service or to dual party relay service, as appropriate. The notice must:

(1) be a separate document;

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

(3) conspicuously state that, by signing and dating the document, the customer acknowledges that the customer will not be able to use the service to access 911 service or dual party relay service, as appropriate.

1 (c) At least annually, an entity to which this section
2 applies shall send to each customer to whom the entity provides a
3 service described by Subsection (a) a notice that the service does
4 not provide access to 911 service or dual party relay service, as
5 appropriate. The entity shall include the notice as a separate
6 document in the customer's bill.

7 (d) Except as preempted by federal law, the commission has
8 all jurisdiction necessary to enforce this section.

9 SECTION 2. This Act applies to a contract entered into or
10 renewed on or after the effective date of this Act. A contract
11 entered into or renewed before that date is governed by the law in
12 effect on the date the contract was entered into or renewed, and
13 that law is continued in effect for that purpose.

14 SECTION 3. This Act takes effect September 1, 2005.