

By: Gallegos

S.B. No. 853

A BILL TO BE ENTITLED

AN ACT

relating to customer protection for customers of 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. MOBILE SERVICE CUSTOMERS

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. REFERRAL FOR UNAUTHORIZED OR DISPUTED CHARGES. A commercial mobile service provider may not refer to a third-party debt collector an account of a customer for nonpayment of an unauthorized or disputed charge.

Sec. 64.203. BILLING STATEMENT. (a) A commercial mobile service provider shall include in a customer's bill:

(1) the toll-free telephone number of the customer protection division of the commission and the consumer protection division of the attorney general's office; and

(2) a description of the customer's privacy rights, including how the provider handles confidential consumer

1 information.

2 (b) A customer of a commercial mobile service provider is
3 entitled to:

4 (1) accuracy of billing, including non-misleading
5 descriptions of fees and charges; and

6 (2) bills presented in a clear, readable format and
7 easy-to-understand language.

8 Sec. 64.204. RIGHT TO CANCEL. (a) A new customer may
9 cancel and rescind a contract by providing written notice of
10 cancellation to a commercial mobile service provider not later than
11 the 30th day after the date the contract takes effect.

12 (b) If a customer cancels a contract under Subsection (a),
13 the commercial mobile service provider may only charge the customer
14 for actual services provided to the customer before cancellation,
15 including per use and normal recurring charges applicable to the
16 service provided before cancellation and the reasonable cost of
17 work done on a customer's premises before cancellation.

18 Sec. 64.205. CHANGE IN SERVICE. (a) A commercial mobile
19 service provider shall notify a customer not later than the 25th day
20 before the effective date of a proposed change in the customer's
21 service agreement or non-term contract that may result in higher
22 rates or charges or more restrictive terms.

23 (b) A customer who is provided notice under Subsection (a)
24 may, not later than the 30th day after the date the change in the
25 agreement or contract takes effect, cancel and rescind the
26 agreement or contract without penalty.

27 Sec. 64.206. VIOLATIONS. The commission may impose

1 penalties and take other enforcement actions under Chapter 15
2 against a commercial mobile service provider that violates this
3 subchapter.

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