

Amend CSHB 143 as follows:

(1) On page 1, line 5, strike "44.002 (9)" and substitute "44.002".

(2) On page 1, line 6, between "amended" and "to read" insert "by amending Subdivision (9) and adding Subdivision (10)".

(3) On page 1, following line 24, add the following:

(10) "Automated campaign call" means a call made by an automated telephone dialing system that conveys a prerecorded or synthesized voice message to the number called for the purpose of encouraging or discouraging voting for or otherwise supporting a candidate or measure. For purposes of this subdivision, "candidate" and "measure" have the meanings assigned by Section 251.001, Election Code.

SECTION 2. The heading to Section 44.102, Business & Commerce Code, is amended to read as follows:

Sec. 44.102. PROHIBITED CONTACT [~~TELEMARKETING~~] OF PERSONS ON TEXAS NO-CALL LIST; ENFORCEMENT; PENALTIES.

SECTION 3. Sections 44.102 (a), (e), and (f), Business & Commerce Code, are amended to read as follows:

(a) A telemarketer may not make a telemarketing call to a telephone number, and a person may not cause to be made an automated campaign call to a mobile telephone number, if the number [that] has been published on the Texas no-call list more than 60 days after the telephone number appears on the then-current list.

(e) Venue for an action based on a violation of this subchapter is in the county where the telemarketing call or automated campaign call was made or received, or if brought by the attorney general, commission, or a state agency, in Travis County.

(f) For purposes of this subchapter, a consumer on the Texas no-call list:

(1) is presumed to be adversely affected by:

(A) a telemarketer who calls the consumer more than once; or

(B) a person causing automated campaign calls to be made to the mobile telephone number of the consumer more than once; and

(2) may bring a civil action based on the second or a

subsequent violation of this subchapter if:

(A) [~~(1)~~] the consumer has notified the telemarketer or other person of the alleged violation and not later than the 30th day after the date of the call files a verified complaint setting forth the relevant facts surrounding the violation with the commission, the attorney general, or a state agency that licenses the person making the call; and

(B) [~~(2)~~] the commission, the attorney general, or state agency receiving the complaint fails to initiate an administrative action or a civil enforcement action, as appropriate, against the telemarketer or other person named in the complaint before the 121st day after the date the complaint is filed.

(4) On page 2, line 1, strike "SECTION 2" and substitute "SECTION 4".

(5) On page 2, line 2, between "amended by" and "adding", insert "amending Subsection (a) and".

(6) On page 2, between lines 2 and 3, insert the following:

(a) The commission may adopt rules to administer this subchapter. The commission shall adopt rules:

(1) requiring each local exchange telephone company and each commercial mobile service provider that provides commercial mobile service in this state to inform its customers of the requirements of this subchapter by annual inserts in billing statements mailed to customers, notification in a customer's electronic bill, notification printed on a customer's paper bill, notification sent free of charge by messaging service to a customer's mobile telephone number, or conspicuous publication of the notice in the consumer information pages of local telephone directories or other appropriate notice to consumers;

(2) providing that a telemarketing call made to a telephone number on the Texas no-call list or an automated campaign call made to a mobile telephone number on the Texas no-call list is not a violation of Section 44.102 if the telemarketing call or automated campaign call is an isolated occurrence made or caused to be made by a person who has in place adequate procedures to comply with this subchapter; and

(3) providing for:

(A) the dissemination of the Texas no-call lists in formats, including electronic formats, commonly used by persons making telemarketing calls or causing to be made automated campaign calls; and

(B) a fee for each such distribution not to exceed \$75.

(7) On page 2, line 7, strike "SECTION 3" and substitute "SECTION 5".