

## **BILL ANALYSIS**

S.B. 225  
By: Ellis  
Regulated Industries  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

In 2006, identity theft fraud accounted for more than one-third of all complaints reported to the Federal Trade Commission. It is estimated that 8.4 million Americans were victims of identity theft in 2006 with consumers reporting a total loss of \$1.2 billion due to identity theft and consumer fraud.

Despite efforts by some states' attorneys general to shut down websites that market cell phone information, these websites continue to proliferate. Unfortunately, cell phone records are used by identity thieves to commit various crimes, including financial fraud.

S.B. 225 makes obtaining or selling wireless telecommunications customer information subject to a \$5,000 civil penalty and authorizes the Office of the Attorney General to pursue civil action against violators.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **ANALYSIS**

SECTION 1. Amends Chapter 64, Utilities Code, by adding Subchapter F, as follows:

#### **SUBCHAPTER F. PRIVACY OF WIRELESS TELECOMMUNICATIONS CUSTOMER INFORMATION**

Sec. 64.251. DEFINITION. Defines "wireless telecommunications customer information."

Sec. 64.252. PROTECTION OF CUSTOMER INFORMATION. Prohibits a person from selling or disclosing, or attempting to sell or disclose, wireless telecommunications customer information without consent. Prohibits a person from obtaining, or attempting to obtain, wireless telecommunications customer information using fraud or misrepresentation. Provides that the disclosure or obtaining of wireless telecommunications customer information as provided by Subchapter E (Publication of Mobile Service Customer Telephone Numbers) or as specifically provided by other law, by a law enforcement agency, officer, or employee for official purposes, or by a commercial mobile service provider in connection with certain enumerated business practices is not prohibited under this section.

Sec. 64.253. PENALTY. Specifies that a person who violates this subchapter is liable to the state for a civil penalty of \$5,000 for each customer whose information has been unlawfully sold, disclosed, or obtained. Authorizes the attorney general to sue to collect the civil penalty.

SECTION 2. Effective date: September 1, 2007.

### **EFFECTIVE DATE**

September 1, 2007.

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