

1-1 By: Ellis S.B. No. 225
1-2 (In the Senate - Filed January 12, 2007; January 30, 2007,
1-3 read first time and referred to Committee on Business and Commerce;
1-4 February 28, 2007, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 9, Nays 0; February 28, 2007,
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 225 By: Van de Putte

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to privacy of wireless telecommunications customer
1-11 information; providing a civil penalty.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Chapter 64, Utilities Code, is amended by adding
1-14 Subchapter F to read as follows:

1-15 SUBCHAPTER F. PRIVACY OF WIRELESS TELECOMMUNICATIONS CUSTOMER
1-16 INFORMATION

1-17 Sec. 64.251. DEFINITION. In this subchapter, "wireless
1-18 telecommunications customer information" means credit information
1-19 and call record information, including minutes used, the time,
1-20 date, and duration of calls initiated and received, and rate
1-21 information, that is:

1-22 (1) possessed by a provider of commercial mobile
1-23 service, as defined by Section 332(d), Communications Act of 1934
1-24 (47 U.S.C. Section 151 et seq.), Federal Communications Commission
1-25 rules, and the Omnibus Budget Reconciliation Act of 1993 (Pub. L.
1-26 No. 103-66); and

1-27 (2) identifiable to a specific customer of the
1-28 provider.

1-29 Sec. 64.252. PROTECTION OF CUSTOMER INFORMATION. (a) A
1-30 person may not:

1-31 (1) sell or otherwise disclose, or attempt to sell or
1-32 otherwise disclose, wireless telecommunications customer
1-33 information without the customer's consent; or

1-34 (2) obtain or attempt to obtain wireless
1-35 telecommunications customer information by use of fraud or
1-36 misrepresentation.

1-37 (b) This section does not prohibit:

1-38 (1) disclosure of wireless telecommunications
1-39 customer information in the manner provided by Subchapter E or as
1-40 specifically provided by other law;

1-41 (2) the lawful disclosure or obtaining of wireless
1-42 telecommunications customer information by a law enforcement
1-43 agency or an officer or other employee of a law enforcement agency
1-44 in the performance of the agency's or employee's official duties; or

1-45 (3) disclosure by a commercial mobile service provider
1-46 of wireless telecommunications customer information in connection
1-47 with:

1-48 (A) the sale or transfer of all or part of the
1-49 provider's business;

1-50 (B) the purchase or acquisition of all or part of
1-51 another provider's business; or

1-52 (C) the migration of a customer from one provider
1-53 to another provider.

1-54 Sec. 64.253. PENALTY. A person who violates this
1-55 subchapter is liable to the state for a civil penalty of \$5,000 for
1-56 each customer whose information is included in the violation. The
1-57 attorney general may sue to collect the civil penalty.

1-58 SECTION 2. This Act takes effect September 1, 2007.

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