

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

February 12, 2007

TO: Honorable Helen Giddings, Chair, House Committee on Business & Industry

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB736 by Straus (Relating to the applicability of the Texas no-call list to campaign-related calls made using an automated telephone dialing system.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend the Business and Commerce Code by changing the definition of an "automated campaign call," replacing the term "Telemarketing" with the term "Prohibited Contact" in the section heading, and replacing the term "telemarketer" with "person." The bill would also amend the Business and Commerce Code to include automated campaign calls where reference is made to telemarketing calls.

The bill would prohibit campaign-related calls made using an automated telephone dialing system to telephone numbers that have been published on the Texas no-call list for 60 days. The bill would also authorize a private cause of action to be brought if a consumer notified a caller of the alleged violation and filed a complaint with either the Public Utility Commission (PUC), Office of the Attorney General (OAG) or the state agency that licenses the person making the call not later than 30 days after the call is received. The bill would authorize a private cause of action to be initiated if the PUC, OAG or state agency that licenses the caller would fail to initiate an enforcement action against the person within 121 days from the date the complaint was filed. The bill would require the PUC to adopt rules to implement the provisions of the bill.

Based on the analysis of the Public Utility Commission, the Office of Public Utility Counsel, and the Office of the Attorney General, it is assumed that duties and responsibilities associated with implementing the provisions of the bill could be accomplished by utilizing existing resources.

This act would take effect on September 1, 2007.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 302 Office of the Attorney General, 473 Public Utility Commission of Texas, 475 Office of Public Utility Counsel

LBB Staff: JOB, JRO, MW, TGI