

By: Shapleigh

S.B. No. 611

A BILL TO BE ENTITLED

AN ACT

relating to notification to certain mobile service customers regarding minutes remaining on the customer's calling plan.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subtitle A, Title 10, Business & Commerce Code, is amended by adding Chapter 307 to read as follows:

CHAPTER 307. NOTIFICATION TO MOBILE SERVICE CUSTOMERS REGARDING
CALLING PLAN MINUTES

Sec. 307.001. DEFINITIONS. In this chapter:

(1) "Commercial mobile service provider" has the meaning assigned by Section 64.201, Utilities Code.

(2) "Customer" means an individual who enters into a contract with a commercial mobile service provider for commercial mobile services.

(3) "Primary plan minute" means a minute that under a customer's calling plan is charged by the commercial mobile service provider at a flat rate and not according to time of day.

Sec. 307.002. NOTIFICATION OPTION IN CALLING PLAN CONTRACT.

(a) Except as provided by Subsection (b), a commercial mobile service provider shall include in a calling plan contract a provision stating that:

(1) the customer has the option of requiring the provider to notify the customer at the time the primary plan minutes remaining on the customer's calling plan are reduced to 100;

1 (2) the customer must accept or decline the optional
2 provision described by Subdivision (1) on or before the date of
3 execution of the calling plan contract; and

4 (3) a customer who accepts the optional provision
5 described by Subdivision (1) must specify in the calling plan
6 contract whether the customer chooses to receive the notification
7 from the provider as a voicemail or text message or by electronic
8 mail.

9 (b) The provision described by Subsection (a) is not
10 required to be included in a calling plan contract under which the
11 customer has unlimited primary plan minute usage throughout the
12 contract term.

13 Sec. 307.003. NOTIFICATION WHEN LIMITED MINUTES REMAIN ON
14 CALLING PLAN. (a) At the time the number of primary plan minutes
15 remaining on the customer's calling plan is reduced to 100, a
16 commercial mobile service provider shall provide to a customer who
17 accepts the optional contract provision described by Section
18 307.002(a)(1) notification that use of minutes in excess of
19 allotted primary plan minutes will result in additional charges to
20 the customer.

21 (b) The commercial mobile service provider must use the
22 method specified by the customer in providing the notice required
23 by Subsection (a).

24 Sec. 307.004. COMPLAINT AND INVESTIGATION. (a) A person
25 may file with the attorney general a complaint alleging a violation
26 of this chapter.

27 (b) Not later than the 45th day after the date the attorney

1 general receives a complaint under this section, the attorney
2 general shall investigate the complaint and determine whether a
3 violation of this chapter has occurred.

4 (c) In conducting an investigation under this section, the
5 attorney general may:

6 (1) inspect any records relevant to the complaint; and

7 (2) subpoena the records and any necessary witnesses.

8 (d) If as a result of an investigation the attorney general
9 determines that a violation of this chapter has occurred, the
10 attorney general shall notify the affected parties of that
11 determination within 14 days.

12 Sec. 307.005. REFUND. On receipt of notification from the
13 attorney general under Section 307.004(d), the commercial mobile
14 service provider shall refund, not later than the 30th day after
15 receipt of the notification, all revenue received from the customer
16 for commercial mobile services provided under a calling plan
17 contract for each month in which the violation occurred.

18 SECTION 2. The changes in law made by this Act apply only to
19 a contract that is entered into or renewed on or after the effective
20 date of this Act. A contract entered into before the effective date
21 of this Act is governed by the law in effect when the contract was
22 entered into, and the former law is continued in effect for that
23 purpose.

24 SECTION 3. This Act takes effect September 1, 2009.