

By: Ellis

S.B. No. 824

A BILL TO BE ENTITLED

1 AN ACT
2 relating to privacy of wireless telecommunications customer
3 information; providing a civil penalty.

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

5 SECTION 1. Chapter 64, Utilities Code, is amended by adding
6 Subchapter F to read as follows:

7 SUBCHAPTER F. PRIVACY OF WIRELESS TELECOMMUNICATIONS CUSTOMER
8 INFORMATION

9 Sec. 64.251. DEFINITION. In this subchapter, "wireless
10 telecommunications customer information" means credit information
11 and call record information, including minutes used, the time,
12 date, and duration of calls initiated and received, and rate
13 information, that is:

14 (1) possessed by a provider of commercial mobile
15 service, as defined by Section 332(d), Communications Act of 1934
16 (47 U.S.C. Section 151 et seq.), Federal Communications Commission
17 rules, and the Omnibus Budget Reconciliation Act of 1993 (Pub. L.
18 No. 103-66); and

19 (2) identifiable to a specific customer of the
20 provider.

21 Sec. 64.252. PROTECTION OF CUSTOMER INFORMATION. (a) A
22 person may not:

23 (1) sell or otherwise disclose, or attempt to sell or
24 otherwise disclose, wireless telecommunications customer

1 information without the customer's consent; or
2 (2) obtain or attempt to obtain wireless
3 telecommunications customer information by use of fraud or
4 misrepresentation.

5 (b) This section does not prohibit:

6 (1) disclosure of wireless telecommunications
7 customer information in the manner provided by Subchapter E or as
8 specifically provided by other law;

9 (2) the lawful disclosure or obtaining of wireless
10 telecommunications customer information by a law enforcement
11 agency or an officer or other employee of a law enforcement agency
12 in the performance of the agency's or employee's official duties; or

13 (3) disclosure by a commercial mobile service provider
14 of wireless telecommunications customer information in connection
15 with:

16 (A) the sale or transfer of all or part of the
17 provider's business;

18 (B) the purchase or acquisition of all or part of
19 another provider's business; or

20 (C) the migration of a customer from one provider
21 to another provider.

22 Sec. 64.253. PENALTY. A person who violates this
23 subchapter is liable to the state for a civil penalty of \$5,000 for
24 each customer whose information is included in the violation. The
25 attorney general may sue to collect the civil penalty.

26 SECTION 2. This Act takes effect September 1, 2009.