

By: Deuell

S.B. No. 2492

A BILL TO BE ENTITLED

AN ACT

relating to requiring notices prior to certain activities involving
Voice over Internet Protocol telephone service.

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

SECTION 1. Subtitle B, Title 10, Business & Commerce Code,
is amended by adding Chapter 329 to read as follows:

CHAPTER 329. NOTICES TO CUSTOMERS OF VOICE OVER INTERNET PROTOCOL
TELEPHONE SERVICE

Sec. 329.001. DEFINITIONS. In this chapter:

(1) "Emergency response center" means an entity with
which a customer contracts to monitor transmissions from an
emergency response system and take appropriate action.

(2) "Emergency response system" means a fire alarm,
burglar alarm, hold-up, robbery, or medical monitoring system that
is connected to an emergency response center by means of a
telecommunications carrier or VoIP telephone service provider.

(3) "Personal emergency response system" has the
meaning assigned by Section 781.001, Health and Safety Code.

(4) "VoIP telephone service" means voice
communications to residential or business customers over a
broadband network using Internet Protocol to route calls instead of
the Public Switched Telephone Network.

Sec. 329.002. NOTICE BEFORE INSTALLATION OR NUMBER
ACTIVATION OF VOIP TELEPHONE SERVICE. Before the installation or

1 number activation of VoIP telephone service for a customer, the
2 service provider shall provide written notice to the customer that:

3 (1) the customer's emergency response system or
4 personal emergency response system should be tested after
5 installation;

6 (2) the customer's emergency response system provider
7 or alarm systems company monitoring the personal emergency response
8 system should be notified after the VoIP telephone service is
9 installed; and

10 (3) a 24-hour emergency power source must be installed
11 in connection with the VoIP telephone service in order for:

12 (A) the emergency response system equipment on
13 the premises to signal the emergency response center in the event of
14 a power outage; or

15 (B) the personal emergency response system to
16 signal the alarm systems company monitoring the personal emergency
17 response system in the event of a power outage.

18 Sec. 329.003. NOTICE BEFORE SALE OF EQUIPMENT NECESSARY TO
19 CONNECT VOIP TELEPHONE SERVICES. The packaging of equipment that
20 is necessary to connect VoIP telephone service must contain a clear
21 and conspicuous warning to notify customers of how to ensure proper
22 functioning of emergency response systems or personal emergency
23 response systems in connection with VoIP telephone service. This
24 warning must be in writing and must inform the customer that:

25 (1) the customer's emergency response system or
26 personal emergency response system should be tested after
27 installation;

1 (2) the customer's emergency response system provider
2 or alarm systems company monitoring the personal emergency response
3 system should be notified after the VoIP telephone service is
4 installed; and

5 (3) a 24-hour emergency power source must be installed
6 in connection with the VoIP telephone service in order for:

7 (A) the emergency response system equipment on
8 the premises to signal the emergency response center in the event of
9 a power outage; or

10 (B) the personal emergency response system to
11 signal the alarm systems company monitoring the personal emergency
12 response system in the event of a power outage.

13 Sec. 329.004. NOTICE ON INSTALLATION OR ACTIVATION OF
14 EMERGENCY RESPONSE SYSTEM OR PERSONAL EMERGENCY RESPONSE SYSTEM.
15 On the installation or activation of an emergency response system
16 or a personal emergency response system for a customer, a security
17 services contractor required to be licensed under Section 1702.102,
18 Occupations Code, or a personal emergency response system provider
19 required to be licensed under Section 781.102, Health and Safety
20 Code, shall inform the customer that:

21 (1) the security services contractor or the personal
22 emergency response system provider, as applicable, should be
23 notified if VoIP telephone service is installed; and

24 (2) a 24-hour emergency power source must be installed
25 in connection with the VoIP telephone service in order for:

26 (A) the emergency response system equipment on
27 the premises to signal the emergency response center in the event of

1 a power outage; or

2 (B) the personal emergency response system to
3 signal the alarm systems company monitoring the personal emergency
4 response system in the event of a power outage.

5 Sec. 329.005. APPLICATION OF DECEPTIVE TRADE PRACTICES ACT.

6 (a) A person that fails to give notice as required by Section
7 329.002, 329.003, or 329.004 commits a false, misleading, or
8 deceptive act under Section 17.46.

9 (b) A public or private right or remedy under Chapter 17 may
10 be used to enforce this chapter.

11 SECTION 2. (a) Section 329.002, Business & Commerce Code,
12 as added by this Act, applies only to Voice over Internet Protocol
13 telephone service installed or activated on or after the effective
14 date of this Act. Voice over Internet Protocol telephone service
15 installed or activated before the effective date of this Act is
16 covered by the law in effect immediately before that date, and the
17 former law is continued in effect for that purpose.

18 (b) Section 329.003, Business & Commerce Code, as added by
19 this Act, applies only to Voice over Internet Protocol equipment
20 sold on or after the effective date of this Act. Voice over
21 Internet Protocol equipment sold before the effective date of this
22 Act is covered by the law in effect immediately before that date,
23 and the former law is continued in effect for that purpose.

24 (c) Section 329.004, Business & Commerce Code, as added by
25 this Act, applies only to an emergency response system or a personal
26 emergency response system installed or activated on or after the
27 effective date of this Act. An emergency response system or a

1 personal emergency response system installed or activated before
2 the effective date of this Act is covered by the law in effect
3 immediately before that date, and the former law is continued in
4 effect for that purpose.

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