

By: Kolkhorst

H.B. No. 989

A BILL TO BE ENTITLED

AN ACT

relating to the listing of a business location of certain businesses in print advertisements or on Internet websites.

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

SECTION 1. The heading to Section 17.462, Business & Commerce Code, is amended to read as follows:

Sec. 17.462. LISTING OF BUSINESS LOCATION OF CERTAIN BUSINESSES ~~[IN DIRECTORY OR DATABASE]~~.

SECTION 2. Sections 17.462(a), (b), (c), and (d), Business & Commerce Code, are amended to read as follows:

(a) A person may not misrepresent the geographical location of a business that derives 50 percent or more of its gross income from the sale or arranging for the sale of flowers or floral arrangements in the listing of the business:

(1) in a telephone directory or other directory assistance database;

(2) on an Internet website; or

(3) in a print advertisement.

(b) A person is considered to misrepresent the geographical location of a business for purposes of Subsection (a) if the name of the business indicates that the business is located in a geographical area and:

(1) the business is not located within the geographical area indicated;

(2) the listing fails to identify the municipality and state of the business's geographical location; and

(3) a telephone call to the local telephone number:

(A) listed in the directory or database routinely is forwarded or transferred to a location that is outside the calling area covered by the directory or database in which the number is listed; or

(B) provided on the Internet website or in a print advertisement routinely is forwarded or transferred to a location that is outside the calling area of the geographical area as indicated by the name of the business.

(c) A person may place a [~~directory~~] listing for a business described by Subsection (a) the name of which indicates that it is located in a geographical area that is different from the geographical area in which the business is located if a conspicuous notice in the listing states the municipality and state in which the business is located.

(d) This section does not apply to:

(1) a publisher of a telephone directory or other publication or a provider of a directory assistance service publishing or providing information about another business;

(2) an Internet website that aggregates and provides information about other businesses;

(3) an owner or publisher of a print medium providing information about other businesses;

(4) an Internet service provider; or

(5) an Internet service that displays or distributes

1 advertisements for other businesses.

2 SECTION 3. The change in law made by this Act to Section
3 17.462, Business & Commerce Code, applies only to a print
4 advertisement disseminated or an Internet website posting
5 available for viewing on or after the effective date of this Act. A
6 print advertisement disseminated or an Internet website posting
7 available for viewing before the effective date of this Act is
8 governed by the law in effect when the advertisement was
9 disseminated or the posting was available for viewing, and the
10 former law is continued in effect for that purpose.

11 SECTION 4. This Act takes effect September 1, 2011.