

By: Kolkhorst

H.B. No. 989

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the listing of a business location of certain  
3 businesses in print advertisements or on Internet websites.

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

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

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

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

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

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

17 (2) on an Internet website; or

18 (3) in a print advertisement.

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

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

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

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

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

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

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

18           (d) This section does not apply to:

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

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

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

26           (4) an Internet service provider; or

27           (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.