

By: Turner of Tarrant

H.B. No. 411

Substitute the following for H.B. No. 411:

By: Villalba

C.S.H.B. No. 411

A BILL TO BE ENTITLED

AN ACT

relating to prohibiting telemarketing calls by a credit access business; adding a provision subject to criminal penalties.

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

SECTION 1. Section 304.004, Business & Commerce Code, is amended to read as follows:

Sec. 304.004. INAPPLICABILITY OF CHAPTER TO CERTAIN CALLS.

This chapter does not apply to a call made:

(1) by a consumer:

(A) as the result of a solicitation by a seller or telemarketer; or

(B) in response to general media advertising by a direct mail solicitation that clearly, conspicuously, and truthfully makes all disclosures required by federal or state law;

(2) in connection with:

(A) an established business relationship; or

(B) a business relationship that has been terminated, if the call is made before the later of:

(i) the publication date of the first Texas no-call list in which the consumer's telephone number appears; or

(ii) the first anniversary of the date of termination;

(3) between a telemarketer and a business, other than by a facsimile solicitation, unless the business has informed the

1 telemarketer that the business does not wish to receive a
2 telemarketing call from the telemarketer;

3 (4) to collect a debt; or

4 (5) by a state licensee, other than a credit access
5 business licensed under Subchapter G, Chapter 393, Finance Code,
6 if:

7 (A) the call is not made by an automated
8 telephone dialing system;

9 (B) the solicited transaction is not completed
10 until a face-to-face sales presentation by the seller occurs and
11 the consumer is not required to pay or authorize payment until after
12 the presentation; and

13 (C) the consumer has not informed the
14 telemarketer that the consumer does not wish to receive a
15 telemarketing call from the telemarketer.

16 SECTION 2. Subchapter G, Chapter 393, Finance Code, is
17 amended by adding Section 393.6245 to read as follows:

18 Sec. 393.6245. TELEMARKETING. A credit access business or
19 a representative of a credit access business may not make a
20 telemarketing call, as defined by Section 304.002, Business &
21 Commerce Code, to a consumer, regardless of whether the consumer's
22 name and telephone number are on the Texas no-call list maintained
23 under Subchapter B, Chapter 304, Business & Commerce Code.

24 SECTION 3. This Act takes effect immediately if it receives
25 a vote of two-thirds of all the members elected to each house, as
26 provided by Section 39, Article III, Texas Constitution. If this
27 Act does not receive the vote necessary for immediate effect, this

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1 Act takes effect September 1, 2015.