

By: Davis of Dallas

H.B. No. 3385

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of call centers; providing a civil penalty.

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

SECTION 1. Subtitle C, Title 5, Business & Commerce Code, is amended by adding Chapter 110 to read as follows:

CHAPTER 110. CALL CENTERS

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 110.001. In this chapter:

(1) "Call center" means a business entity or a division of a business entity whose primary purpose includes initiating or receiving telephone communications on behalf of a person for the purpose of initiating sales, including making a telephone solicitation as defined by Section 302.001, providing services, or providing or receiving information in connection with the provision of services.

(2) "Customer" means a resident of this state who receives a call from or places a call to a call center.

(3) "Customer service employee" means a person employed by or working on behalf of a call center.

(4) "Department" means the Texas Department of Insurance.

(5) "Public agency" means this state or an agency, instrumentality, or political subdivision of this state, including

1 a county, municipality, public school district, or special-purpose  
2 district or authority.

3 (6) "Public subsidy" means a program, benefit, or  
4 assistance of any type offered by a public agency that is designed  
5 to stimulate the economic development of a corporation, industry,  
6 or sector of the state's economy or to create or retain jobs in this  
7 state. The term includes grants, loans, loan guarantees, benefits  
8 relating to an enterprise or empowerment zone, fee waivers, land  
9 price subsidies, infrastructure development and improvements  
10 designed to principally benefit a single business or defined group  
11 of businesses, matching funds, tax refunds, tax rebates, or tax  
12 abatements offered by a public agency.

13 Sec. 110.002. APPLICABILITY. This chapter applies only to  
14 a business that is a call center or operates a call center and that:

15 (1) has at least 50 customer service employees located  
16 in this state, excluding customer service employees who work less  
17 than 20 hours per week; or

18 (2) has at least 50 customer service employees located  
19 in this state who, in the aggregate, work a total of at least 1,500  
20 hours per week.

21 SUBCHAPTER B. RELOCATION OF CUSTOMER SERVICE EMPLOYEE POSITIONS

22 Sec. 110.101. NOTICE REQUIRED; CIVIL PENALTY. (a) A  
23 business shall notify the department if the business plans to:

24 (1) terminate customer service employee positions in  
25 this state that handle at least 50 percent of total customer service  
26 call volume for the business, as measured against the previous 12  
27 months average customer service call volume of the business; and

1           (2) relocate the duties of those positions to persons  
2 in one or more call centers located outside of the United States.

3           (b) The business shall notify the department of its intent  
4 to terminate and relocate the positions at least 120 days before the  
5 termination or relocation of the positions.

6           (c) A business that violates this section is liable to this  
7 state for a civil penalty in an amount not to exceed \$10,000 for  
8 each day that the business is in violation.

9           (d) The attorney general may bring suit to recover the  
10 civil penalty imposed under Subsection (c).

11           Sec. 110.102. LIST OF BUSINESSES THAT RELOCATE CUSTOMER  
12 SERVICE EMPLOYEE POSITIONS. (a) The department shall maintain a  
13 list of businesses that have terminated and relocated customer  
14 service employee positions as described by Section 110.101.

15           (b) Except as provided by Subsection (d), a business that is  
16 added to the list may not be removed from the list before the fifth  
17 anniversary of the date the business was added to the list.

18           (c) The department shall make the list available to the  
19 public and shall semiannually distribute the list to all state  
20 agencies and the Better Business Bureau.

21           (d) The department shall remove a business from the list if  
22 the business relocates in this state as many customer service  
23 employee positions as the business terminated and relocated when  
24 the business was added to the list.

25           SUBCHAPTER C. PUBLIC AGENCY CONTRACTS AND SUBSIDIES

26           Sec. 110.201. PREFERENCE FOR CERTAIN BUSINESSES. In  
27 awarding a contract for services, a public agency shall give

1 preference to a vendor, bidder, contractor, or subcontractor that  
2 does not appear on the list maintained under Section 110.102.

3 Sec. 110.202. PUBLIC SUBSIDIES PROHIBITED. (a) Except as  
4 provided by Subsection (b), a public agency may not award or provide  
5 a public subsidy to a business that appears on the list maintained  
6 under Section 110.102.

7 (b) A public agency, after consulting with the department,  
8 may award a public subsidy if the business applying for the subsidy  
9 shows that the refusal to grant the subsidy would:

10 (1) result in substantial job loss in the state; or

11 (2) harm the environment.

12 Sec. 110.203. REPAYMENT OF PUBLIC SUBSIDY. A business that  
13 has received a public subsidy and that is placed on the list  
14 maintained under Section 110.102 after the business was awarded the  
15 public subsidy shall repay the full amount of the public subsidy.

16 SUBCHAPTER D. DUTY OF CUSTOMER SERVICE EMPLOYEES

17 Sec. 110.301. DUTY OF CUSTOMER SERVICE EMPLOYEE. On the  
18 request of a customer, a business shall ensure that each customer  
19 service employee who communicates with a customer on behalf of the  
20 business:

21 (1) discloses to the customer:

22 (A) the city, state, and country where the  
23 customer service employee is located;

24 (B) the name or registered alias of the customer  
25 service employee; and

26 (C) the name of the employer of the customer  
27 service employee;

1           (2) enables the customer to speak to an employee of the  
2 business on whose behalf the call center is communicating with the  
3 customer; and

4           (3) transfers the call to a person in this state, if  
5 the customer service employee is not in this state.

6           SUBCHAPTER E. STATE AGENCY CALL CENTERS

7           Sec. 110.401. STATE AGENCY CALL CENTERS. All call center  
8 service performed on behalf of a state agency must be performed in  
9 this state.

10          SECTION 2. Chapter 110, Business & Commerce Code, as added  
11 by this Act, applies only to a bid for a contract submitted or an  
12 application for a public subsidy filed on or after the effective  
13 date of this Act. A bid for a contract submitted or an application  
14 filed before the effective date of this Act is governed by the law  
15 in effect on the date the bid was submitted or the application was  
16 filed, and that law is continued in effect for that purpose.

17          SECTION 3. (a) Except as provided by Subsection (b) of this  
18 section, this Act takes effect January 1, 2016.

19          (b) Section 110.301, Business & Commerce Code, as added by  
20 this Act, takes effect January 1, 2018.