

By: Davis of Dallas

H.B. No. 3459

A BILL TO BE ENTITLED

AN ACT

relating to requiring a business to pre-disclose the recording of a telephone conversation with a consumer; providing a civil penalty.

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

SECTION 1. Subtitle A, Title 10, Business & Commerce Code, is amended by adding Chapter 307 to read as follows:

CHAPTER 307. RECORDING CONSUMER TELEPHONE CALLS

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 307.001. DEFINITION. In this chapter, "consumer" means an individual who is solicited to purchase or lease or who purchases or leases a good or service that is to be used primarily for personal, family, or household purposes.

Sec. 307.002. APPLICABILITY. This chapter does not apply to a telephone call made by an educational institution or a nonprofit organization exempt from taxation under Section 501(c)(3), Internal Revenue Code of 1986.

SUBCHAPTER B. PROHIBITED CONDUCT OR ACTIVITY

Sec. 307.051. RECORDING CERTAIN TELEPHONE CONVERSATIONS WITHOUT DISCLOSURE PROHIBITED. Before a business records a telephone call with a consumer, the business must disclose to the consumer that the conversation is being recorded.

SUBCHAPTER C. ENFORCEMENT

Sec. 307.101. INVESTIGATION BY ATTORNEY GENERAL'S OFFICE. The attorney general's office may investigate a complaint relating

1 to a violation of this chapter.

2 Sec. 307.102. INJUNCTIVE RELIEF. A district court, on
3 petition of the attorney general and on finding that a business is
4 violating this chapter, may issue an injunction prohibiting the
5 business from continuing the violation.

6 Sec. 307.103. CIVIL PENALTY. (a) A business that knowingly
7 violates this chapter is liable to this state for a civil penalty in
8 an amount not to exceed \$500 for each violation.

9 (b) In addition to bringing an action for injunctive relief
10 under Section 307.102, the attorney general may bring an action for
11 the recovery of a civil penalty imposed under this section.

12 (c) The attorney general may recover reasonable attorney's
13 fees and court costs incurred in recovering the civil penalty.

14 SECTION 2. This Act takes effect September 1, 2017.