

By: González of Dallas

H.B. No. 4432

A BILL TO BE ENTITLED

AN ACT

relating to the sale of consumer geotracking data by telephone companies.

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

SECTION 1. Subtitle A, Title 11, Business & Commerce Code, is amended by adding Chapter 509 to read as follows:

CHAPTER 509. GEOTRACKING DATA

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 509.001. DEFINITIONS. In this chapter:

(1) "Geotracking data" means data obtained from an individual's cellular telephone or other wireless communications device that identifies and tracks the location of the device.

(2) "Telephone company" has the meaning assigned by Section 306.001.

SUBCHAPTER B. SALE OF GEOTRACKING DATA

Sec. 509.051. CONSENT REQUIRED FOR SALE OF GEOTRACKING DATA. (a) A telephone company may not sell a consumer's geotracking data to a third party unless:

(1) the company has requested the consumer's consent, in writing or electronically, to sell the consumer's geotracking data; and

(2) the consumer has provided written or electronic consent to the company to sell the data.

(b) A consumer's consent to the sale of the consumer's

1 geotracking data under Subsection (a) remains effective until  
2 rescinded by the consumer.

3 (c) A telephone company may offer a discount or other  
4 incentive to a consumer for consenting to the sale of the consumer's  
5 geotracking data.

6 SECTION 2. This Act takes effect September 1, 2021.