

SUBJECT: Expanding definition of telephone solicitations

COMMITTEE: Business and Industry — committee substitute recommended

VOTE: 8 ayes — Brimer, Rhodes, Corte, Dukes, Elkins, Giddings, Solomons, Woolley
0 nays
1 absent — Janek

WITNESSES: For — None
Against — None
On — Pamela Perkins and Thomas Perkins, Texas Attorney General's Office

BACKGROUND : Telephone solicitations are regulated under the Business and Industry Code, which imposes limits on the hours and procedures that can be used with consumer telephone calls. The code defines a consumer telephone call as an unsolicited call by a telephone solicitor to solicit a sale of a consumer good or service, an extension of credit, of information to be used in such solicitation.

DIGEST: CSHB 2966 would include within the definition of “consumer telephone call” an unsolicited outbound call made to solicit a lease of a consumer good or service or information used to solicit a lease, to generate an appointment for a later sales visit, or solicit permission to send sales literature about a consumer good or service from the caller.

The bill also would expand the definition of “telephone solicitor” to include calls made by recorded message devices.

CSHB 2966 would take immediate effect if finally approved by a two-thirds record vote of the membership in each house.

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SUPPORTERS SAY: CSHB 2966 would update Texas law on telephone solicitations to account for recent developments, such as the developing market for leased consumer goods and services and the growing use automatic pre-recorded sales messages to deliver phone solicitations. These additions are necessary to existing law in order to fulfill the legislative intent of consumer protection from unsolicited telephone calls.

OPPONENTS SAY: No apparent opposition.

NOTES: The original version of the bill would have created a new section in the civil statutes on telemarketing practices.