

BILL ANALYSIS

Senate Research Center

H.B. 2128
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Economic Development
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Engrossed

DIGEST

Currently, telephone solicitors can block their identity on caller identification devices. This bill will provide regulations regarding the use of telephone caller identification services and provide an administrative penalty.

PURPOSE

As proposed, H.B. 2128 provides regulations regarding the use of telephone caller identification services and provides an administrative penalty.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 3.302, Article 1446c-0, V.T.C.S., to prohibit a telephone solicitor from using any method, including per-call blocking or per-line blocking, that prevents caller identification information for the telephone solicitor's lines used to make consumer telephone calls from being shown by a device capable of displaying caller identification information. Requires the caller identification information displayed must contain a telephone number at which the telephone solicitor may receive telephone calls. Provides that a telephone solicitor who violates this subsection is subject to an administrative penalty not to exceed a certain amount. Provides that Sections 3.656(b)-(e) of this Act apply to the imposition of a penalty under this subsection. Defines "telephone solicitor" and "consumer telephone call." Requires a telephone director to remove per-line blocking and any other method prohibited by Subsection (e) of this section not later than January 1, 1998, from each line used for consumer telephone calls. Makes conforming changes.

SECTION 2. Amends Section 3.653(a), Article 1446c-0, V.T.C.S., to prohibit a person from operating an automated dialing announce device to make a telephone call if the device plays a recorded message when a connection is completed to a telephone number unless the device, when used for solicitation purposes, has a message shorter than 30 seconds, rather than one minute.

SECTION 3. Amends Section 3.656(e), Article 1446c-0, V.T.C.S., to require the proceeds of administrative penalties collected under this section to be deposited to the credit of the Public Utility Commission (commission), rather than to the credit of the general revenue fund, and to be used by the commission to enforce this subtitle.

SECTION 4. Amends Article 1446c-0, V.T.C.S., by adding Section 3.661, as follows:

Sec. 3.661. EDUCATIONAL PROGRAM. Requires the commission, in addition to the notice required by Section 3.660, to conduct an educational program designed to inform the public of their rights under Section 3.659 of this Act and Section 37.02, Business & Commerce Code. Requires the educational program to be directed to all residential telephone subscribers and conducted no less frequently than annually if funds are available.

SECTION 5. Makes application of this Act prospective.

SECTION 6. Effective date: September 1, 1997.

SECTION 7. Emergency clause.