

BILL ANALYSIS

Senate Research Center
7R2312 CLG-F

S.B. 366
By: Armbrister
Business & Commerce
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DIGEST AND PURPOSE

Currently, the floral industry has a number of telemarketing businesses that advertise in local floral markets as local florists, when they are located elsewhere. The telemarketing businesses use business names and phone numbers in local telephone listings and directories, and then charge fees or commissions when filling a customer's order. As proposed, S.B. 366 prohibits the use of local phone numbers and business names by floral businesses to misrepresent the business's geographic location.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 17E, Business & Commerce Code, to add Section 17.462, as follows:

Sec. 17.462. LISTING OF BUSINESS LOCATION IN DIRECTORY OR DATABASE. Prohibits a person from misrepresenting the geographical location of a business deriving 50 percent or more of its gross income from sale or arranging for the sale of flowers or floral arrangements, in the listing of the business in a telephone directory or other directory assistance database. Sets forth certain criteria to determine if a person has misrepresented the geographical location of a business under this section. Authorizes a person to place a directory listing for a business, with a name that indicates it is located in a geographical area other than its actual geographical location, if a conspicuous notice in the listing states the municipality in which the business is located. Provides that this section is not applicable to a publisher of a telephone directory or the provider of a directory assistance service providing information about another business. Provides that a violation of this section is a certain offense under this subchapter, and authorizes any remedy under this subchapter to enforce this section.

SECTION 2. Effective date: September 1, 2001.
Makes application of this Act prospective.