

BILL ANALYSIS

Senate Research Center
78R5307 RCJ-D

H.B. 147
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Business & Commerce
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Engrossed

DIGEST AND PURPOSE

Currently, under the Texas Telemarketing Disclosure and Privacy Act, a consumer is allowed to register a non-business number on the Texas no-call list. However, the Act does not specifically mention mobile phones, thus allowing telemarketing calls to be made to citizens' cellular phones. H.B. 147 adds calls made to a mobile telephone number to the definition of a telemarketing call regulated by the Texas Telemarketing Disclosure and Privacy Act.

RULEMAKING AUTHORITY

Rulemaking authority previously granted to the Public Utility Commission of Texas is modified in SECTION 2 (Section 43.103, Business & Commerce Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 43.002(9), Business & Commerce Code, to redefine "telephone call." Makes nonsubstantive changes.

SECTION 2. Amends Section 43.103(a), Business & Commerce Code, to require the Public Utility Commission of Texas (PUC) to adopt rules requiring each local phone exchange telephone company and each commercial mobile service provider that provides commercial mobile service in this state to inform its customers of the requirements of this subchapter by notification in a customer's electronic bill, notification printed on a customer's paper bill, or notification sent free of charge by messaging service to a customer's mobile telephone number, among other methods.

SECTION 3. (a) Requires a commercial mobile service provider providing commercial mobile service in Texas to comply with rules under Section 43.103, Business & Commerce Code, before October 1, 2003.

(b) Requires the PUC, or the appropriate private vendor, to include mobile telephone numbers in the Texas no-call list that is updated and published on January 1, 2004.

SECTION 4. Effective date: upon passage or September 1, 2003.