

BILL ANALYSIS

Senate Research Center
79R8408 DWS-D

H.B. 210
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Business & Commerce
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Engrossed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

H.B. 210 resolves some important differences between the Texas no-call list, adopted in 2001, and the Federal Trade Commission's (FTC) national do-not-call registry, adopted in 2002. H.B. 210 aligns the state and federal no-call list statutes and implements five recommendations of the Public Utility Commission of Texas (commission).

H.B. 210 allows the commission to have enforcement authority over violations to both the state and federal no-call lists; allows the commission to share consumer names registered on the state no-call list with the FTC, so they will be automatically registered on both the state and federal lists; clarifies the method of signing up for the no-call list; removes certain eligibility requirements for the vendor of the state no-call list, which are believed to prohibit competitive bids to operate the list; and changes the electric no-call list from being for both residential and business customers to being only for business customers.

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 Section 44.101, Business & Commerce Code, by amending Subsections (b) and (c) and adding Subsection (d), as follows:

(b) Authorizes the Public Utility Commission of Texas (commission) to contract with a private vendor to maintain the Texas no-call list if the private vendor has maintained a no-call list database containing the names and telephone numbers of consumers who have previously requested to be added to a no-call list, rather than a private vendor who has maintained a national no-call list database for more than two years containing the names and telephone numbers of consumers in this state who have previously requested to be added to the vendor's national no-call list.

(c) Provides that the Texas no-call list is a combined list consisting of, rather than requires the Texas no-call list to contain, the name and telephone numbers of each consumer in this state who has requested to be on that list and of each person in the portion of the national do-not-call registry maintained by the United States government that relates to this state. Requires the commission to provide for a method of placement or renewal of an entry on the Texas no-call list by use of the Internet at no charge. Requires the commission to develop and make available an Internet website at which a person may request that a telephone number be placed on the Texas no-call list, rather than a form to be used by customers to request to be on the Texas no-call list, and to provide a toll-free telephone number and a mailing, rather than Internet mail, address that persons may call or write to obtain a copy of a form to request placement of a telephone number on the Texas no-call list. Makes conforming changes.

(d) Authorizes the commission or its designee to provide information on the Texas no-call list to the administrator of the national do-not-call registry and to allow placement of the names and telephone numbers contained on the Texas no-call list in the national do-not-call registry.

SECTION 2. Amends Section 552.141, Government Code, as added by Chapter 401, Acts of the 78th Legislature, Regular Session, 2003, to provide that the Texas no-call list created under Subchapter C, Chapter 44, rather than Chapter 43, Business & Commerce Code, and any information provided to or received from the administrator of the national do-not-call registry maintained by the United States government, as provided by Section 44.101, Business & Commerce Code, rather than as added by Chapter 1429, Acts of the 77th Legislature, Regular Session, 2001, is excepted from the requirements of Section 552.021 (Availability of Public Information), Government Code.

SECTION 3. Amends Sections 39.1025(a) and (b), Utilities Code, as follows:

- (a) Prohibits a person from making or causing to be made a telephone solicitation to certain nonresidential electric, rather than electricity, customers.
- (b) Makes a conforming change.

SECTION 4. Provides that a residential electric customer who on the effective date of this Act is enrolled on the list compiled under Section 39.1025, Utilities Code, remains on the list until the customer's enrollment expires. Provides that if the residential electric customer applies to renew enrollment on that list after the effective date of this Act, the customer shall be enrolled on the Texas no-call list established under Subchapter C, Chapter 44, Business & Commerce Code.

SECTION 5. Effective date: upon passage or September 1, 2005.