

BILL ANALYSIS

Senate Research Center
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S.B. 824
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Business & Commerce
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

In 2006, identity theft fraud accounted for more than one-third of all complaints reported to the Federal Trade Commission. In 2006, the Identity Fraud Survey Report estimated that 8.4 million Americans were victims of identity theft and consumers reported a total loss of \$1.2 billion due to identity theft and consumer fraud.

The Electronic Privacy Information Center lists at least 40 websites that offer personal cell phone records for a minimal fee, despite efforts by some attorneys general to shut down websites that market cell phone information.

As proposed, S.B. 824 prohibits a person from selling or otherwise disclosing, or attempting to sell or otherwise disclose, wireless telecommunications customer information without the customer's consent or obtaining or attempting to obtain such information by use of fraud or misrepresentation, and provides for a civil penalty in the event of a violation.

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 64, Utilities Code, by adding Subchapter F, as follows:

SUBCHAPTER F. PRIVACY OF WIRELESS TELECOMMUNICATIONS CUSTOMER INFORMATION

Sec. 64.251. DEFINITION. Defines "wireless telecommunications customer information" (information).

Sec. 64.252. PROTECTION OF CUSTOMER INFORMATION. (a) Prohibits a person from selling or otherwise disclosing, or attempting to sell or otherwise disclose, information without the customer's consent; or obtaining or attempting to obtain information by use of fraud or misrepresentation.

(b) Provides that this section does not prohibit disclosure of information in the manner provided by Subchapter E (Publication of Mobile Service Customer Telephone Numbers) or as specifically provided by other law; the lawful disclosure or obtaining of information by a law enforcement agency or an officer or other employee of a law enforcement agency in the performance of the agency's or employee's official duties; or disclosure by a commercial mobile service provider of information in connection with the sale or transfer of all or part of the provider's business, the purchase or acquisition of all or part of another provider's business, or the migration of a customer from one provider to another provider.

Sec. 64.253. PENALTY. Provides that a person who violates this subchapter is liable to the state for a civil penalty of \$5,000 for each customer whose information is included in the violation. Authorizes the attorney general to sue to collect the civil penalty.

SECTION 2. Effective date: September 1, 2009.