

BILL ANALYSIS

Senate Research Center
80R7672 DWS-D

H.B. 143
By: Deshotel (Carona)
Business & Commerce
5/2/2007
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, there are federal but no state provisions to address the problem of unsolicited messages reaching a consumer through wireless devices, such as cell phones or two-way pagers. This offers further safeguards for Texans should federal law change.

H.B. 143 includes unsolicited telemarketing text message or graphic message of an image sent by solicitors to mobile devices on the Texas no-call list.

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 44.002(9), Business & Commerce Code, to redefine "telephone call" to include a call or other transmission, including a transmission of a text or graphic message or of an image, to a mobile telephone number serviced by a provider of commercial mobile service, as defined by Section 332(d), Communications Act of 1934 (47 U.S.C. Section 151 et seq.), as amended, Federal Communications Commission rules, and the Omnibus Budget Reconciliation Act of 1993 (Pub. L. No. 103-66), as amended, except that the term does not include a transmission made to a mobile telephone number as part of an ad-based telephone service, in connection with which the telephone service customer has agreed with the service provider to receive the transmission.

SECTION 2. Amends Section 44.103, Business & Commerce Code, by adding Subsection (c), to require the Public Utility Commission of Texas to include on its website a notice explaining the application of the Texas no-call list to a call or other transmission, including a transmission of a text or graphic message or of an image, to a mobile telephone number.

SECTION 3. Effective date: September 1, 2007.