

By: Chavez

H.B. No. 953

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of and contracts with certain telephone call centers; providing a criminal penalty.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Title 4, Business & Commerce Code, is amended by adding Chapter 48 to read as follows:

CHAPTER 48. CUSTOMER SALES OR SERVICE CALL CENTER REQUIREMENTS

Sec. 48.001. DEFINITIONS. In this chapter:

(1) "Customer" means a resident of this state who receives a call from or places a call to a customer sales call center or a customer service call center.

(2) "Customer sales call center" means an entity whose primary purpose includes initiating or receiving telephone communications on behalf of a person for the purpose of initiating sales, including making a telephone solicitation as defined by Section 38.001.

(3) "Customer service call center" means an entity whose primary purpose includes initiating or receiving telephone communications on behalf of a person for the purpose of providing services or providing or receiving information in connection with the provision of services.

(4) "Customer service employee" means a person employed by or working on behalf of a customer sales call center or a customer service call center.

1 (5) "Identifying information" means information,
2 other than an individual's name, that alone or in conjunction with
3 other information identifies an individual, including an
4 individual's social security number, date of birth,
5 government-issued identification number, or financial institution
6 account number.

7 Sec. 48.002. DUTIES OF CUSTOMER SERVICE EMPLOYEE. On the
8 request of a customer, a customer service employee shall:

9 (1) disclose to the customer:

10 (A) the city, state, and country where the
11 customer service employee is located;

12 (B) the name or registered alias of the customer
13 service employee; and

14 (C) the name of the employer of the customer
15 service employee;

16 (2) enable the customer to speak to an employee of the
17 business, government agency, or other person on whose behalf the
18 customer sales call center or customer service call center has
19 directed the customer service employee to communicate with the
20 customer; and

21 (3) transfer the call to a person in the United States,
22 if the customer service employee is not in the United States.

23 Sec. 48.003. PERMISSION REQUIRED TO PROVIDE CERTAIN
24 INFORMATION TO A PERSON OUTSIDE THE UNITED STATES. A customer sales
25 call center, customer service call center, customer service
26 employee, or person on whose behalf the customer sales call center
27 or customer service call center directs the customer service

1 employee to communicate with a customer may not provide a
2 customer's identifying information or other credit or financial
3 information to a person located outside the United States unless
4 the center, employee, or other person receives express written
5 permission from the customer.

6 Sec. 48.004. DECEPTIVE TRADE PRACTICE. A customer sales
7 call center, customer service call center, customer service
8 employee, or person on whose behalf the customer sales call center
9 or customer service call center directs the customer service
10 employee to communicate with a customer who intentionally violates
11 this chapter engages in a deceptive trade practice actionable under
12 Subchapter E, Chapter 17.

13 SECTION 2. Subchapter B, Chapter 2155, Government Code, is
14 amended by adding Section 2155.0771 to read as follows:

15 Sec. 2155.0771. BARRING CERTAIN VENDORS FROM PARTICIPATION
16 IN TELEMARKETING OR TELEPHONE CENTER SERVICE CONTRACTS. (a) This
17 section applies only to a contract for telemarketing or telephone
18 center services.

19 (b) The commission shall bar a vendor from participating in
20 state contracts that are subject to this subtitle, including
21 contracts for which purchasing authority is delegated to a state
22 agency, unless the vendor submits to the commission a written
23 statement certifying that the vendor's telemarketing or telephone
24 center services operate only in the United States.

25 (c) The commission shall prescribe procedures for
26 submitting a statement under Subsection (b).

27 (d) A contract between the commission or a state agency to

1 which purchasing authority is delegated and a vendor barred under
2 this section is void. If the commission determines that immediate
3 termination of the performance of a contract that is void under this
4 subsection would result in harm to the public health or welfare, the
5 commission or state agency may continue to perform as if the
6 contract were valid for the minimum period necessary to protect the
7 public health and welfare and not after the commission or state
8 agency arranges a contract with a vendor who is not barred under
9 this section.

10 SECTION 3. This Act takes effect September 1, 2005.