

## CHAPTER 659

## S.B. No. 73

## AN ACT

relating to the authority of a telecommunications utility to offer caller identification service.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. Article XIII, Public Utility Regulatory Act (Article 1446c, Vernon's Texas Civil Statutes), is amended by adding Section 87C to read as follows:

Sec. 87C. (a) *This section applies only to the provision of caller identification service.*

(b) *A person may not offer a caller identification service unless the person obtains written authorization from the commission.*

(c) *The commission shall require that a provider of caller identification service offer per-call blocking at no charge to each telephone subscriber in the specific area in which the service is offered.*

(d) *The commission shall require that a provider offer per-line blocking at no charge to a particular customer if the commission receives from the customer written certification that the customer has a compelling need for per-line blocking. If a customer later removes the per-line block, the provider may assess a service order charge relating to administrative costs in an amount approved by the commission to reinstate the per-line block. The commission may prescribe and assess fees and assessments from providers of caller identification service in an amount sufficient to cover the additional expenses incurred by the commission in implementing the customer certification provisions of this subsection. Reports, records, and information received under this subsection by the commission or by a provider of caller identification service are confidential and may be used only for the purposes of administering this subsection.*

(e) *The commission may only prescribe in relation to blocking the requirements prescribed by Subsections (c) and (d) of this section.*

(f) *A person may not use a caller identification service to compile and sell specific local call information without the affirmative consent and approval of the originating telephone customer. This subsection does not prohibit the provider from:*

(1) *verifying network performance or from testing the provision of caller identification service;*

(2) *compiling, using, and disclosing aggregate caller identification information; or*

(3) *complying with applicable law or legal process.*

(g) *This section does not apply to:*

(1) *an identification service that is used within the same limited system, including a central office based PBX-type system;*

(2) *information that is used on a public agency's emergency telephone line or on a line that receives the primary emergency telephone number (9-1-1);*

(3) *information passed between telecommunications utilities, enhanced service providers, or other entities that is necessary for the set-up, processing, transmission, or billing of telecommunications or related services;*

(4) *information provided in compliance with applicable law or legal process; or*

(5) *an identification service provided in connection with a "700," "800," or "900" access code telecommunications service.*

(h) *In this section:*

(1) *"Caller identification information" means:*

(A) *the telephone listing number and/or name of the customer from whose telephone instrument a telephone number is dialed; or*

*(B) other information that may be used to identify the specific originating number or originating location of a wire or electronic communication transmitted by a telephone instrument.*

*(2) "Caller identification service" means a service offered by a telecommunications utility that provides caller identification information to a device capable of displaying the information.*

*(3) "Per-call blocking" means a telecommunications service that prevents the transmission of caller identification information to a called party on an individual call if the calling party acts affirmatively to prevent the transmission of the caller identification information.*

*(4) "Per-line blocking" means a telecommunications service that prevents the transmission of caller identification information to a called party on every call unless the calling party acts affirmatively to release the caller identification information.*

SECTION 2. Subdivision (14), Section 1, Article 18.21, Code of Criminal Procedure, is amended to read as follows:

*(14) "Trap and trace device" means a mechanical or electronic device that attaches to a telephone line and is capable of recording an incoming electronic or other impulse that identifies the originating number of an instrument or device from which a wire or electronic communication was transmitted. The term does not include a device or telecommunications network used in providing either: (1) a caller identification service authorized by the Public Utility Commission of Texas under Section 87C, Public Utility Regulatory Act (Article 1446c, Vernon's Texas Civil Statutes); or (2) the services referenced in Subsection (g), Section 87C, Public Utility Regulatory Act (Article 1446c, Vernon's Texas Civil Statutes).*

SECTION 3. (a) The change in law made by this Act applies only to an offense committed on or after the effective date of this Act. For purposes of this section, an offense is committed before the effective date of this Act if any element of the offense occurs before that date.

(b) An offense committed before the effective date of this Act is covered by the law in effect when the offense was committed, and the former law is continued in effect for this purpose.

SECTION 4. This Act takes effect September 1, 1993.

SECTION 5. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed the Senate on March 9, 1993: Yeas 28, Nays 2; the Senate concurred in House amendment on May 25, 1993, by a viva-voce vote; passed the House, with amendment, on May 21, 1993, by a non-record vote.

Approved June 15, 1993.

Effective Sept. 1, 1993.