

AMENDED IN ASSEMBLY MAY 7, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 1184

Introduced by Assembly Member Adams

February 27, 2009

An act to amend Section ~~2890.2~~ 2872 of the Public Utilities Code, relating to telecommunications.

LEGISLATIVE COUNSEL'S DIGEST

AB 1184, as amended, Adams. ~~Mobile telephony service. Automatic dialing-announcing devices: governmental officials.~~

Under existing law, the Public Utilities Commission has regulatory authority over public utilities, including telephone corporations, as defined. Existing law authorizes the commission to control and regulate the use of automatic dialing-announcing devices, which are automatic equipment that incorporate a storage capability of telephone numbers to be called or a random or sequential number generator capable of producing numbers to be called and that is capable, working alone or in conjunction with other equipment, to disseminate a prerecorded message to the telephone number being called. Existing law, with specified exceptions, prohibits the use of automatic dialing-announcing devices.

This bill would also exempt from the above prohibition the use of automatic dialing-announcing devices by a state or local governmental official for a governmental purpose.

~~Existing law requires a provider of mobile telephony services, as defined, on or before January 1, 2007, to provide subscribers with a means by which a subscriber can obtain reasonably current and available~~

information, as determined by the provider, on the subscriber's text messaging and Internet usage and charges.

~~This bill would delete the requirement that this information be provided no later than January 1, 2007.~~

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 2872 of the Public Utilities Code is
2 amended to read:

3 2872. (a) The connection of automatic dialing-announcing
4 devices to a telephone line is subject to this article and to the
5 jurisdiction, control, and regulation of the commission.

6 (b) No person shall operate an automatic dialing-announcing
7 device except in accordance with this article. The use of such a
8 device by any person, either individually or acting as an officer,
9 agent, or employee of a person or corporation operating automatic
10 dialing-announcing devices, is subject to this article.

11 (c) No person shall operate an automatic dialing-announcing
12 device in this state to place a call that is received by a telephone
13 in this state during the hours between 9 p.m. and 9 a.m. California
14 time.

15 (d) This article does not prohibit the use of an automatic
16 dialing-announcing device by any person exclusively on behalf of
17 any of the following:

18 (1) A school for purposes of contacting parents or guardians of
19 pupils regarding attendance.

20 (2) An exempt organization under the Bank and Corporation
21 Tax Law (Part 11 (commencing with Section 23001) of Division
22 2 of the Revenue and Taxation Code) for purposes of contacting
23 its members.

24 (3) A privately owned or publicly owned cable television system
25 for purposes of contacting customers or subscribers regarding the
26 previously arranged installation of facilities on the premises of the
27 customer or subscriber.

28 (4) A privately owned or publicly owned public utility for
29 purposes of contacting customers or subscribers regarding the
30 previously arranged installation of facilities on the premises of the
31 customer or subscriber or for purposes of contacting employees

1 for emergency actions or repairs required for public safety or to
2 restore services.

3 (5) A petroleum refinery, chemical processing plant, or nuclear
4 powerplant for purposes of advising residents, public service
5 agencies, and the news media in its vicinity of an actual or potential
6 life-threatening emergency.

7 (6) *A state or local governmental official for a governmental*
8 *purpose.*

9 (e) This article does not prohibit law enforcement agencies, fire
10 protection agencies, public health agencies, public environmental
11 health agencies, city or county emergency services planning
12 agencies, or any private for-profit agency operating under contract
13 with, and at the direction of, one or more of these agencies, from
14 placing calls through automatic dialing-announcing devices, if
15 those devices are used for any of the following purposes:

16 (1) Providing public service information relating to public safety.

17 (2) Providing information concerning police or fire emergencies.

18 (3) Providing warnings of impending or threatened emergencies.

19 These calls shall not be subject to Section 2874.

20 (f) This article does not apply to any automatic
21 dialing-announcing device that is not used to randomly or
22 sequentially dial telephone numbers but that is used solely to
23 transmit a message to an established business associate, customer,
24 or other person having an established relationship with the person
25 using the automatic dialing-announcing device to transmit the
26 message, or to any call generated at the request of the recipient.

27 (g) The commission may determine any question of fact arising
28 under this section.

29 ~~SECTION 1. Section 2890.2 of the Public Utilities Code is~~
30 ~~amended to read:~~

31 ~~2890.2. (a) A provider of mobile telephony services, as defined~~
32 ~~in Section 224.4, shall provide subscribers with a means by which~~
33 ~~a subscriber can obtain reasonably current and available~~
34 ~~information, as determined by the provider, on the subscriber's~~
35 ~~calling plan or plans and service usage, including roaming usage~~
36 ~~and charges.~~

37 ~~(b) A provider of mobile telephony services shall provide~~
38 ~~subscribers with a means by which a subscriber can obtain~~
39 ~~reasonably current and available information, as determined by~~

1 the provider, on the subscriber's text messaging and Internet usage
2 and charges.
3 ~~(c) Each provider of mobile telephony services shall inform~~
4 ~~subscribers at the time service is established of the availability of~~
5 ~~the information described in subdivisions (a) and (b) and how it~~
6 ~~may be obtained.~~