

AMENDED IN SENATE JUNE 26, 2009

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 2872 of the Public Utilities Code, relating to telecommunications, *and declaring the urgency thereof, to take effect immediately.*

LEGISLATIVE COUNSEL'S DIGEST

AB 1184, as amended, Adams. 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.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: ~~majority~~^{2/3}. 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
- 32 for emergency actions or repairs required for public safety or to
- 33 restore services.

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

5 (6) A state or local governmental official for a governmental
6 purpose.

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

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

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

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

17 These calls shall not be subject to Section 2874.

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

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

27 *SEC. 2. This act is an urgency statute necessary for the*
28 *immediate preservation of the public peace, health, or safety within*
29 *the meaning of Article IV of the Constitution and shall go into*
30 *immediate effect. The facts constituting the necessity are:*

31 *In order to allow government officials to more effectively*
32 *communicate important information to the public for government*
33 *purposes as soon as possible, it is necessary that this act take effect*
34 *immediately.*