

ASSEMBLY BILL

No. 870

Introduced by Assembly Member Wesson

February 22, 2001

An act to add Section 2875.5 to the Public Utilities Code, relating to public utilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 870, as introduced, Wesson. Public utilities: automatic calling equipment.

Existing law authorizes the Public Utilities Commission to control and regulate the use of automatic dialing-announcing devices and specifies the hours during which the devices may not be operated.

This bill would prohibit, on and after July 1, 2002, any person operating specified automatic calling equipment from making a telephone connection for which no person, acting as an agent or telemarketer, or prerecorded message, is available for the person called, as prescribed. The bill would authorize the commission to require any person operating that specified equipment to maintain prescribed records for submission to the commission.

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

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

1 SECTION 1. The Legislature finds and declares all of the
2 following:

1 (a) The use of the telephone to market goods and services to the
2 home and other businesses is now pervasive due to the increased
3 use of cost-effective telemarketing techniques.

4 (b) Unrestricted telemarketing, however, can be an intrusive
5 invasion of privacy, and, when an emergency or medical assistance
6 telephone line is seized, a risk to public safety.

7 (c) Many consumers are outraged over the proliferation of
8 intrusive nuisance calls to their homes from telemarketers,
9 including, but not limited to, abandoned calls.

10 (d) It is the intent of the Legislature in enacting this act to
11 balance individual privacy rights and public safety concerns with
12 commercial free speech rights.

13 SEC. 2. Section 2875.5 is added to the Public Utilities Code,
14 to read:

15 2875.5. (a) On and after July 1, 2002, no person operating
16 any automatic equipment that incorporates a storage capability of
17 telephone numbers to be called or a random or sequential number
18 generator capable of producing numbers to be called may make a
19 telephone connection for which no person, acting as an agent or
20 telemarketer, or prerecorded message is available for the person
21 called.

22 (b) Notwithstanding subdivision (a), the commission may
23 establish an acceptable error rate for telephone connections made
24 in violation of subdivision (a).

25 (c) The commission may require any person operating
26 automatic dialing announcing devices to maintain records of
27 telephone connections made for which no person, acting as an
28 agent or telemarketer, or prerecorded message, as set forth in
29 subdivision (d) of Section 2872, is available for the person called.
30 The commission may require copies of those records to be
31 submitted to the commission.

