

AMENDED IN ASSEMBLY APRIL 19, 2001

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

ASSEMBLY BILL

No. 870

Introduced by Assembly Member Wesson
*(Coauthors: Assembly Members Calderon, Maddox, Nation,
Pescetti, and Reyes)*

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 amended, 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:

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

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

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

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

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

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

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

(b) Notwithstanding subdivision (a), the commission may establish an acceptable error rate for telephone connections made in violation of subdivision (a). *The commission shall determine the error rate, if any, before July 1, 2002.*

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

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