

ASSEMBLY BILL

No. 617

Introduced by Assembly Member Campbell

February 19, 1999

An act to amend Section 2894 of the Public Utilities Code, relating to telecommunications.

LEGISLATIVE COUNSEL'S DIGEST

AB 617, as introduced, Campbell. Telephone corporations: customer right of privacy.

Under existing law, the disclosure of any information by an interchange telephone corporation, a local exchange telephone corporation, or a radiotelephone utility, in good faith compliance with the terms of a state or federal court warrant or order or administrative subpoena issued at the request of a law official or other federal, state, or local governmental agency for law enforcement purposes, is a complete defense against specified civil actions relating to the right of privacy. Existing law defines the term "radiotelephone utility" for that purpose to mean any public utility licensed by the Federal Communications Commission pursuant to specified federal regulations and certificated by the Public Utilities Commission to provide one-way or two-way or one-way and two-way radiotelephone services in this state.

This bill would also include in the definition of radiotelephone utility any entity that provides one-way paging service, as defined.

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. Section 2894 of the Public Utilities Code
2 is amended to read:

3 2894. (a) Notwithstanding subdivision (e) of Section
4 2891, the disclosure of any information by an
5 interexchange telephone corporation, a local exchange
6 telephone corporation, or a radiotelephone utility, in
7 good faith compliance with the terms of a state or federal
8 court warrant or order or administrative subpoena issued
9 at the request of a law enforcement official or other
10 federal, state, or local governmental agency for law
11 enforcement purposes, is a complete defense against any
12 civil action brought under this chapter or any other law,
13 including ~~without limitation~~, *but not limited to*, Chapter
14 1.5 (commencing with Section 630) of Part 1 of Title 15
15 of the Penal Code, for the wrongful disclosure of that
16 information.

17 (b) As used in this section *the following terms have the*
18 *following meanings:*

19 (1) “Interexchange telephone corporation” means a
20 telephone corporation that is a long-distance carrier.

21 (2) “Local exchange telephone corporation” means a
22 telephone corporation that provides local exchange
23 services.

24 (3) “Radiotelephone utility” means ~~any~~ *either of the*
25 *following:*

26 (A) Any public utility licensed by the Federal
27 Communications Commission pursuant to Part 22
28 (commencing with Section 22.0) of Title 47 of the Code
29 of Federal Regulations and certificated by the Public
30 Utilities Commission to provide one-way or two-way or
31 one-way and two-way radiotelephone services in this
32 state.



1 *(B) Any entity that provides one-way paging service*
2 *as described in paragraph (2) of subdivision (b) of*
3 *Section 234.*

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