

AMENDED IN ASSEMBLY APRIL 19, 1999

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

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 amended, 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~~ *replace the term “radiotelephone utility” with the term “commercial mobile radio service provider,” as defined, for purposes of these provisions.*

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~~
7 *commercial mobile radio service provider*, in good faith
8 compliance with the terms of a state or federal court
9 warrant or order or administrative subpoena issued at the
10 request of a law enforcement official or other federal,
11 state, or local governmental agency for law enforcement
12 purposes, is a complete defense against any civil action
13 brought under this chapter or any other law, including,
14 but not limited to, Chapter 1.5 (commencing with
15 Section 630) of Part 1 of Title 15 of the Penal Code, for the
16 wrongful disclosure of that 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 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.~~

4 (3) “Commercial mobile radio service provider”
5 means any public utility licensed by the Federal
6 Communications Commission pursuant to Part 22
7 (commencing with Section 22.1) or Part 24 (commencing
8 with Section 24.1) of Title 47 of the Code of Federal
9 Regulations to provide one-way or two-way, or one-way
10 and two-way, commercial mobile radio services in the
11 state.

