

AMENDED IN SENATE JUNE 16, 1999  
AMENDED IN ASSEMBLY APRIL 19, 1999

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

## **ASSEMBLY BILL**

**No. 617**

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**Introduced by Assembly Member Campbell**

February 19, 1999

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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 replace ~~the term~~ “radiotelephone utility” with ~~the term~~ “*a provider of commercial mobile radio service provider,*” ~~as defined,~~ and would define “*commercial mobile radio service*”, 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 *provider of commercial*  
7 *mobile radio service provider*, in good faith compliance  
8 with the terms of a state or federal court warrant or order  
9 or administrative subpoena issued at the request of a law  
10 enforcement official or other federal, state, or local  
11 governmental agency for law enforcement purposes, is a  
12 complete defense against any civil action brought under  
13 this chapter or any other law, including, but not limited  
14 to, Chapter 1.5 (commencing with Section 630) of Part 1  
15 of Title 15 of the Penal Code, for the wrongful disclosure  
16 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) “Commercial mobile radio service ~~provider~~”  
25 ~~means any public utility licensed by the Federal~~  
26 ~~Communications Commission pursuant to Part 22~~  
27 ~~(commencing with Section 22.1) or Part 24 (commencing~~  
28 ~~with Section 24.1) of Title 47 of the Code of Federal~~  
29 ~~Regulations to provide one-way or two-way, or one-way~~  
30 ~~and two-way, commercial mobile radio services in the~~  
31 ~~state.~~ ” *has the same meaning as the term “commercial*

1 *mobile service” as defined in Section 332(d)(1) of Title*  
2 *47 of the United States Code.*

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