

Senate Bill 46

By: Senators Shafer of the 48th, Staton of the 18th, Cagle of the 49th, Heath of the 31st and
Chance of the 16th

A BILL TO BE ENTITLED
AN ACT

1 To amend Part 1 of Article 2 of Chapter 5 of Title 46 of the Official Code of Georgia
2 Annotated, relating to telephone service in general, so as to provide that suppliers of wireless
3 telephone service providing directory information shall not include wireless service dialing
4 numbers without the express written consent of a subscriber; to provide for terms and
5 conditions; to provide exceptions and authorize waivers; to provide for civil enforcement and
6 immunity from certain liability; to provide for related matters; to repeal conflicting laws; and
7 for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

9 Part 1 of Article 2 of Chapter 5 of Title 46 of the Official Code of Georgia Annotated,
10 relating to telephone service in general, is amended by adding at its end a new Code Section
11 46-5-28 to read as follows:
12

13 "46-5-28.

14 (a) As used in this Code section, the term:

15 (1) 'Service supplier' means a person or entity who provides wireless service to a
16 telephone subscriber.

17 (2) 'Wireless service' means 'commercial mobile service' as defined under Section
18 332(D) of the federal Telecommunications Act of 1996 (47 U.S.C. Section 157, et seq.),
19 regulations of the Federal Communications Commission, and the Omnibus Budget
20 Reconciliation Act of 1993 (P.L. 103-66) and includes real-time, two-way interconnected
21 voice service which is provided over networks which utilize intelligent switching
22 capability and offer seamless handoff to customers. The term does not include one-way
23 signaling service, data transmission service, nonlocal radio access line service, or a
24 private telecommunications service.

25 (b) A service supplier of wireless service or any direct or indirect affiliate or agent of a
26 service supplier, providing the name and dialing number of a subscriber for inclusion in

1 any directory of any form, or selling the contents of any directory data base, or any portion
2 or segment thereof, shall not include the dialing number of any wireless service subscriber
3 without first obtaining the express consent of that subscriber. The service supplier's form
4 for obtaining the subscriber's express consent shall meet all of the following requirements:

5 (1) It shall be a separate document that is not attached to any other document;

6 (2) It shall be signed and dated by the subscriber;

7 (3) It shall be unambiguous and legible and conspicuously disclose that, by signing, the
8 subscriber is consenting to have the subscriber's dialing number sold or licensed as part
9 of a list of subscribers and the subscriber's dialing number may be included in a publicly
10 available directory; and

11 (4) If under the subscriber's calling plan the subscriber may be billed for receiving
12 unsolicited calls or text messaging from a telemarketer, the service supplier's form shall
13 include a disclosure, which shall be unambiguous and legible and conspicuously disclose
14 that by consenting to have the subscriber's dialing number sold or licensed as part of a
15 list of subscribers or be included in a publicly available directory, the subscriber may
16 incur additional charges for receiving unsolicited calls or text messages.

17 (c) A subscriber who provides express consent pursuant to subsection (b) of this Code
18 section may revoke that consent at any time. A service supplier shall comply with the
19 subscriber's request to opt out within a reasonable period of time, not to exceed 60 days.

20 (d) A subscriber shall not be charged for making the choice to not be listed in a directory.

21 (e) This Code section does not apply to the provision of telephone numbers to the
22 following parties for the purposes indicated:

23 (1) A collection agency exclusively for the collection of unpaid debts;

24 (2) Any law enforcement agency, fire protection agency, public health agency, public
25 environmental health agency, city or county emergency services planning agency, or
26 private for-profit agency operating under contract with, and at the direction of, one or
27 more of these agencies, for the exclusive purpose of responding to a 911 call or
28 communicating an imminent threat to life or property. Any information or records
29 provided pursuant to this paragraph shall be held in confidence by that agency and by any
30 individual employed by or associated with that agency. This information or these records
31 shall not be open to examination for any purpose not directly connected with the
32 administration of the services specified in this paragraph;

33 (3) A lawful process issued under state or federal law;

34 (4) A service supplier providing service between service areas for the provision to the
35 subscriber of telephone service between service areas, or third parties for the limited
36 purpose of providing billing services;

1 (5) A service supplier to effectuate a customer's request to transfer the customer's
2 assigned telephone number from the customer's existing service supplier to a new service
3 supplier; or

4 (6) The commission.

5 (f) Every deliberate violation of this Code section is grounds for a civil suit by the
6 aggrieved subscriber against the service supplier responsible for the violation.

7 (g) No service supplier shall be subject to criminal or civil liability for the release of
8 customer information as authorized by this Code section."

9 **SECTION 2.**

10 All laws and parts of laws in conflict with this Act are repealed.