

By: Alonzo

H.B. No. 3797

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of call centers; providing a civil penalty.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subtitle C, Title 5, Business & Commerce Code, is amended by adding Chapter 113 to read as follows:

CHAPTER 113. CALL CENTERS

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 113.001. DEFINITIONS. In this chapter:

(1) "Call center" means a business entity or a division of a business entity whose primary purpose includes initiating or receiving telephone communications on behalf of a person for the purpose of initiating sales, including making a telephone solicitation as defined by Section 302.001, providing services, or providing or receiving information in connection with the provision of services.

(2) "Customer" means a resident of this state who receives a call from or places a call to a call center.

(3) "Customer service employee" means a person employed by or working on behalf of a call center.

(4) "Department" means the Texas Department of Insurance.

(5) "Public agency" means this state or an agency, instrumentality, or political subdivision of this state, including

a county, municipality, public school district, or special-purpose district or authority.

(6) "Public subsidy" means a program, benefit, or assistance of any type offered by a public agency that is designed to stimulate the economic development of a corporation, industry, or sector of the state's economy or to create or retain jobs in this state. The term includes grants, loans, loan guarantees, benefits relating to an enterprise or empowerment zone, fee waivers, land price subsidies, infrastructure development and improvements designed to principally benefit a single business or defined group of businesses, matching funds, tax refunds, tax rebates, or tax abatements offered by a public agency.

Sec. 113.002. APPLICABILITY. This chapter applies only to a business that is a call center or operates a call center and that:

(1) has at least 50 customer service employees located in this state, excluding customer service employees who work less than 20 hours per week; or

(2) has at least 50 customer service employees located in this state who, in the aggregate, work a total of at least 1,500 hours per week.

SUBCHAPTER B. RELOCATION OF CUSTOMER SERVICE EMPLOYEE POSITIONS

Sec. 113.101. NOTICE REQUIRED; CIVIL PENALTY. (a) A business shall notify the department if the business plans to:

(1) terminate customer service employee positions in this state that handle at least 50 percent of total customer service call volume for the business, as measured against the previous 12 months average customer service call volume of the business; and

1 (2) relocate the duties of those positions to persons
2 in one or more call centers located outside of the United States.

3 (b) The business shall notify the department of its intent
4 to terminate and relocate the positions at least 120 days before the
5 termination or relocation of the positions.

6 (c) A business that violates this section is liable to this
7 state for a civil penalty in an amount not to exceed \$10,000 for
8 each day that the business is in violation.

9 (d) The attorney general may bring suit to recover the
10 civil penalty imposed under Subsection (c).

11 Sec. 113.102. LIST OF BUSINESSES THAT RELOCATE CUSTOMER
12 SERVICE EMPLOYEE POSITIONS. (a) The department shall maintain a
13 list of businesses that have terminated and relocated customer
14 service employee positions as described by Section 113.101.

15 (b) Except as provided by Subsection (d), a business that is
16 added to the list may not be removed from the list before the fifth
17 anniversary of the date the business was added to the list.

18 (c) The department shall make the list available to the
19 public and shall semiannually distribute the list to all state
20 agencies and the Better Business Bureau.

21 (d) The department shall remove a business from the list if
22 the business relocates in this state as many customer service
23 employee positions as the business terminated and relocated when
24 the business was added to the list.

25 SUBCHAPTER C. PUBLIC AGENCY CONTRACTS AND SUBSIDIES

26 Sec. 113.201. PREFERENCE FOR CERTAIN BUSINESSES. In
27 awarding a contract for services, a public agency shall give

preference to a vendor, bidder, contractor, or subcontractor that does not appear on the list maintained under Section 113.102.

Sec. 113.202. PUBLIC SUBSIDIES PROHIBITED. (a) Except as provided by Subsection (b), a public agency may not award or provide a public subsidy to a business that appears on the list maintained under Section 113.102.

(b) A public agency, after consulting with the department, may award a public subsidy if the business applying for the subsidy shows that the refusal to grant the subsidy would:

(1) result in substantial job loss in the state; or

(2) harm the environment.

Sec. 113.203. REPAYMENT OF PUBLIC SUBSIDY. A business that has received a public subsidy and that is placed on the list maintained under Section 113.102 after the business was awarded the public subsidy shall repay the full amount of the public subsidy.

SUBCHAPTER D. DUTY OF CUSTOMER SERVICE EMPLOYEES

Sec. 113.301. DUTY OF CUSTOMER SERVICE EMPLOYEE. On the request of a customer, a business shall ensure that each customer service employee who communicates with a customer on behalf of the business:

(1) discloses to the customer:

(A) the city, state, and country where the customer service employee is located;

(B) the name or registered alias of the customer service employee; and

(C) the name of the employer of the customer service employee;

1 (2) enables the customer to speak to an employee of the
2 business on whose behalf the call center is communicating with the
3 customer; and

4 (3) transfers the call to a person in this state, if
5 the customer service employee is not in this state.

6 SUBCHAPTER E. STATE AGENCY CALL CENTERS

7 Sec. 113.401. STATE AGENCY CALL CENTERS. All call center
8 service performed on behalf of a state agency must be performed in
9 this state.

10 SECTION 2. Chapter 113, Business & Commerce Code, as added
11 by this Act, applies only to a bid for a contract submitted or an
12 application for a public subsidy filed on or after the effective
13 date of this Act. A bid for a contract submitted or an application
14 filed before the effective date of this Act is governed by the law
15 in effect on the date the bid was submitted or the application was
16 filed, and that law is continued in effect for that purpose.

17 SECTION 3. (a) Except as provided by Subsection (b) of this
18 section, this Act takes effect January 1, 2018.

19 (b) Section 113.301, Business & Commerce Code, as added by
20 this Act, takes effect January 1, 2020.