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AB-2906 Telecommunications: automatic dialing-announcing devices: pupil health and safety exemption. (2021-2022)

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Date Published: 06/27/2022 02:00 PM

Assembly Bill No. 2906

CHAPTER 36

An act to amend Section 2872 of the Public Utilities Code, relating to telecommunications.

[Approved by Governor June 21, 2022. Filed with Secretary of State June 21, 2022.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2906, Patterson. Telecommunications: automatic dialing-announcing devices: pupil health and safety exemption.

Existing law authorizes the Public Utilities Commission to control and regulate the use of automatic dialing-announcing devices to a telephone line and specifies the hours during which the devices may not be operated. Existing law exempts from that control and regulation certain entities that use an automatic dialing-announcing device under various situations, including the contacting of parents or guardians of pupils by schools regarding attendance and the placing of calls by law enforcement agencies, fire protection agencies, and public health agencies for specified purposes relating to public safety and emergencies.

This bill would also exempt from that control and regulation the use of an automatic dialing-announcing device for purposes of a school contacting parents or guardians of pupils regarding the health or safety of pupils.

Vote: majority Appropriation: no Fiscal Committee: no Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 2872 of the Public Utilities Code is amended to read:

2872. (a) The connection of automatic dialing-announcing devices to a telephone line is subject to this article and to the jurisdiction, control, and regulation of the commission.

(b) A person shall not operate an automatic dialing-announcing device except in accordance with this article. The use of such a device by any person, either individually or acting as an officer, agent, or employee of a person or corporation operating automatic dialing-announcing devices, is subject to this article.

(c) A person shall not operate an automatic dialing-announcing device in this state to place a call that is received by a telephone in this state during the hours between 9 p.m. and 9 a.m. California time.

(d) This article does not prohibit the use of an automatic dialing-announcing device by any person exclusively on behalf of any of the following:

(1) A school for purposes of contacting parents or guardians of pupils regarding attendance or the health or safety of pupils.

(2) An exempt organization under the Corporation Tax Law (Part 11 (commencing with Section 23001) of Division 2 of the Revenue and Taxation Code) for purposes of contacting its members.

(3) A privately owned or publicly owned cable television system for purposes of contacting customers or subscribers regarding the previously arranged installation of facilities on the premises of the customer or subscriber.

(4) A privately owned or publicly owned public utility for purposes of contacting customers or subscribers regarding the previously arranged installation of facilities on the premises of the customer or subscriber or for purposes of contacting employees for emergency actions or repairs required for public safety or to restore services.

(5) A petroleum refinery, chemical processing plant, or nuclear powerplant for purposes of advising residents, public service agencies, and the news media in its vicinity of an actual or potential life-threatening emergency.

(e) (1) This article does not prohibit law enforcement agencies, fire protection agencies, public health agencies, public environmental health agencies, city or county emergency services planning agencies, or any private for-profit agency operating under contract with, and at the direction of, one or more of these agencies, from placing calls through automatic dialing-announcing devices, if those devices are used for any of the following purposes:

(A) Providing public service information relating to public safety.

(B) Providing information concerning police or fire emergencies.

(C) Providing warnings of impending or threatened emergencies.

(D) Testing all modes of 911 emergency telephone systems, including basic 911 telephone services as described in Section 53107 of the Government Code, enhanced 911 emergency telephone services as described in Section 53119 of the Government Code, Next Generation 911 emergency communication systems as described in Section 53121 of the Government Code, and similar 911 technologies, for data accuracy and emergency alert notification system capabilities.

(2) Calls authorized by this subdivision shall not be subject to Section 2874.

(f) This article does not apply to any automatic dialing-announcing device that is not used to randomly or sequentially dial telephone numbers, but that is used solely to transmit a message to an established business associate, customer, or other person having an established relationship with the person using the automatic dialing-announcing device to transmit the message, or to any call generated at the request of the recipient.

(g) The commission may determine any question of fact arising under this section.