

PUBLIC CHAPTER NO. 873

HOUSE BILL NO. 3834

By Representative Phillip Johnson

Substituted for: Senate Bill No. 3418

By Senators Johnson, Marrero, Burks, Kurita

AN ACT to amend Tennessee Code Annotated, Title 47, Chapter 18, relative to misrepresentation of geographical location.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 47, Chapter 18, Part 1, is amended by deleting Tennessee Code Annotated, Section 47-18-103(7), and substituting instead the following:

(7) "Local telephone directory" means a telephone directory that is distributed by a telephone company or directory publisher, or provided as a service to subscribers located in the local exchanges contained in the directory. "Local telephone directory" includes:

(A) A classified advertising directory, commonly referred to as the yellow pages;

(B) A directory of individual telephone listings, commonly referred to as the white pages, whether identified as "business listings" or combined in listings of residences and businesses in a directory which does not have separate residence and business listings;

(C) A directory that includes listings of more than one (1) telephone company; or

(D) A directory assistance database or similar service, commonly used by dialing "411" and speaking with a live person or through an automated system;

SECTION 2. Tennessee Code Annotated, Section 47-18-104(b)(32), is amended by deleting the subdivision in its entirety and by substituting instead the following language:

(32)

(A) The act of misrepresenting the geographic location of a person through a business name or listing in a local telephone directory or on the Internet is an unfair or deceptive act or practice affecting the conduct of trade or commerce if:

(i) The name misrepresents the person's geographic location; or

(ii) The listing fails to clearly and conspicuously identify the locality and state of the person's business; and

(iii) Calls to the listed telephone number are routinely forwarded or otherwise transferred to a person's business location that is outside the calling area covered by the local telephone directory, or that is outside the local calling area for the telephone number that is listed on the Internet; and

(iv) The person's business location is located in a county that is not contiguous to a county in the calling area covered by the local telephone directory, or is located in a county that is not contiguous to a county in the local calling area for the telephone number that is listed on the Internet; and

(v) The person does not have a business location or branch, or an affiliate, or subsidiary of the person does not have a business location or branch, in the calling area or county contiguous to the local calling area.

(B) This subdivision shall not apply:

(i) To a telecommunications service provider, an Internet service provider, or to the publisher or distributor of a local telephone directory unless such act is on behalf of such Internet or telecommunications service provider or on behalf of the publisher or distributor of such local telephone directory; or

(ii) To the act of listing a number for a call center. For purposes of this subdivision, "call center" means a location that utilizes telecommunication services for activities related to an existing customer relationship including, but not limited to, customer services, reactivating dormant accounts, or receiving reservations.

(C) Notwithstanding any other law contrary, and without limiting the scope of § 47-18-104, a violation of this subdivision shall be punishable by a non-remedial civil penalty of a minimum of one thousand dollars (\$1,000) to a maximum of five thousand dollars (\$5,000) per violation. Civil penalties assessed under this subdivision are separate and apart from the remedial civil penalties authorized in Tennessee Code Annotated § 47-18-108(b)(3).

(D) This subdivision applies only to information supplied to a telephone directory published after July 1, 2008, information that is published on the Internet after July 1, 2008, or to information supplied for entry into a directory assistance database after July 1, 2008.

SECTION 3. This act shall take effect July 1, 2008, the public welfare requiring it.

PASSED: April 21, 2008



JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES



RON RAMSEY, SPEAKER
SENATE OF THE SENATE

APPROVED this 6th day of May 2008



PHIL BREDESEN, GOVERNOR