

---

**SENATE COMMITTEE ON ENERGY, UTILITIES AND  
COMMUNICATIONS**  
**Senator Ben Hueso, Chair**  
**2021 - 2022 Regular**

---

**Bill No:** AB 2906 **Hearing Date:** 5/31/2022  
**Author:** Patterson  
**Version:** 2/18/2022 Introduced  
**Urgency:** No **Fiscal:** No  
**Consultant:** Sarah Smith

**SUBJECT:** Telecommunications: automatic dialing-announcing devices: pupil health and safety exemption

**DIGEST:** This bill exempts school health and safety notifications from restrictions on the use of autodialers.

**ANALYSIS:**

Existing law:

- 1) Authorizes the California Public Utilities Commission (CPUC) to regulate the connection of automatic dialing-announcing devices to a telephone line, establishes restrictions on the use of autodialing systems, and prohibits the use of autodialing systems that does not comply with the restrictions. Unless exempted from restrictions on autodialing systems, a person may not send calls through an autodialing system between 9p.m. and 9a.m. California time. (Public Utilities Code §2872)
- 2) Establishes exemptions to the limitations on autodialing system use for certain lawful purposes, including, testing emergency 911 systems, sending emergency messages, sending school notifications regarding student attendance, and various government agency and utility service notifications. (Public Utilities Code §2872)

This bill expands the exemptions to autodialer restrictions to include school notifications about students' health and safety.

**Background**

*Autodialer restrictions and robocall use.* Autodialers are systems that place robocall notifications to a set list of phone numbers. Since their creation, autodialing systems have generated significant consumer complaints related to robocalling. To address these concerns, federal and state governments have

adopted restrictions to the use of autodialing systems. These restrictions specify purposes for which autodialers can be used and limit the use of autodialers for other purposes. Autodialing systems can be beneficial for multiple purposes, including mass notifications from health, education, and emergency response agencies. Existing law specifies that autodialers may be used for the following purposes:

- By schools to contact pupils' guardians regarding attendance.
- By certain nonprofits for contacting members.
- By certain cable television companies for contacting customers about installations.
- By utilities to contact customers about installation and employees regarding emergencies.
- By refineries, chemical plants, and nuclear powerplants to advise the public, other agencies, and news media about an emergency.
- By law enforcement, fire protection, public health, public environmental health, city or county emergency services planning agencies, or any private for-profit agency operating under contract with these agencies for emergency notifications.
- Testing the 911 system.

This bill would add school notifications to contact pupils' guardians regarding health and safety matters to those purposes for which an autodialer may be used.

*Bill conforms California law to FCC rules.* In July 2016, the Federal Communications Commission (FCC) adopted a decision (FCC-16-88), clarifying that robocalls and texts notifying parents and guardians about potential health and safety concerns for students were a lawful use of automatic dialing and texting systems under the federal Telephone Consumer Protection Act. While it is not clear that California law prohibits schools from placing robocalls or robotexts to notify parents and guardians about health and safety issues, this bill could better align state statute to FCC autodialing policy by establishing an exemption in state law similar to the permissions adopted by the FCC.

### **Prior/Related Legislation**

AB 956 (Diep, Chapter 232, Statutes of 2019) exempted 911 emergency telephone testing from restrictions on the use of autodialers.

**FISCAL EFFECT:** Appropriation: No Fiscal Com.: No Local: No

**SUPPORT:**

None received

**OPPOSITION:**

None received

**ARGUMENTS IN SUPPORT:** According to the author:

AB 2906 is an appropriate means by which schools may keep parents informed regarding the health and safety of their students.

**-- END --**