
ASSEMBLY BILL NO. 405—ASSEMBLYMAN PRICE

MARCH 5, 1999

Referred to Committee on Government Affairs

SUMMARY—Requires inclusion of statement of consent on forms used by providers of certain utility services to obtain signature of customer to change his provider of such service. (BDR 58-1229)

FISCAL NOTE: Effect on Local Government: Yes.
Effect on the State or on Industrial Insurance: No.

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EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~[omitted material]~~ is material to be omitted.

AN ACT relating to utilities; requiring a provider of certain utility services to include a statement of consent on any form used by the provider to obtain the signature of a customer to change his provider of such a service; providing a penalty; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE
AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** Chapter 704 of NRS is hereby amended by adding thereto
2 a new section to read as follows:

3 ***1. A utility or an alternative seller shall not utilize any form to obtain***
4 ***the signature of a customer to switch or otherwise change the customer's***
5 ***provider of a competitive service to the utility or alternative seller unless***
6 ***the form includes a statement substantially similar to the following:***

7
8 ***By signing this form, you are consenting to change the provider of***
9 ***the (TYPE OF SERVICE) you are currently using to (NAME OF***
10 ***THE PROVIDER).***

11
12 ***2. The statement must be:***

13 ***(a) Prominently displayed;***

14 ***(b) Printed in bold letters; and***

15 ***(c) At least as large as the largest type on the form, except that the***
16 ***statement must be no smaller than 14-point type.***

1 **3. As used in this section, "alternative seller" means:**

2 **(a) A seller of any component of electric service other than a**
3 **noncompetitive service, unless the alternative seller has been designated**
4 **to provide the noncompetitive service pursuant to NRS 704.982,**
5 **including an affiliate of a vertically integrated electric utility, but not**
6 **including a vertically integrated electric utility; and**

7 **(b) A seller of any competitive, discretionary or potentially competitive**
8 **component of natural gas service.**

9 **Sec. 2.** NRS 704.640 is hereby amended to read as follows:

10 704.640 Any person who:

11 1. Operates any public utility to which NRS 704.005 to 704.751,
12 inclusive, and **section 1 of this act and NRS** 704.993 to 704.999, inclusive,
13 apply without first obtaining a certificate of public convenience and
14 necessity or in violation of its terms;

15 2. Fails to make any return or report required by NRS 704.005 to
16 704.751, inclusive, and **section 1 of this act and NRS** 704.993 to 704.999,
17 inclusive, or by the commission pursuant to NRS 704.005 to 704.751,
18 inclusive, and **section 1 of this act and NRS** 704.993 to 704.999, inclusive;

19 3. Violates, or procures, aids or abets the violating of any provision of
20 NRS 704.005 to 704.751, inclusive, and **section 1 of this act and NRS**
21 704.993 to 704.999, inclusive;

22 4. Fails to obey any order, decision or regulation of the commission;

23 5. Procures, aids or abets any person in his failure to obey the order,
24 decision or regulation; or

25 6. Advertises, solicits, proffers bids or otherwise holds himself out to
26 perform as a public utility in violation of any of the provisions of NRS
27 704.005 to 704.751, inclusive, and **section 1 of this act and NRS** 704.993
28 to 704.999, inclusive,

29 shall be fined not more than \$500.

30 **Sec. 3.** The amendatory provisions of this act do not apply to offenses
31 that were committed before October 1, 1999.