

SENATE BILL NO. 27—SENATOR WIENER

PREFILED JANUARY 22, 1999

Referred to Committee on Commerce and Labor

SUMMARY—Revises various provisions governing telegraphs, telephones and community antenna television systems. (BDR 58-27)

FISCAL NOTE: Effect on Local Government: No.
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 telecommunications; revising various provisions governing telegraphs and telephones; repealing various provisions relating to telegraphs; prohibiting injury or obstruction to a telecommunications line of a community antenna television system; 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.** NRS 707.130 is hereby amended to read as follows:
2 707.130 ~~{If any person:}~~ ***Any person who:***
3 1. By the attachment of a ground wire, or by any other contrivance,
4 willfully destroys the insulation of a telegraph ***or telephone*** line, or
5 interrupts the transmission of the electric current through the line;
6 2. Willfully interferes with the use of any telegraph ***or telephone*** line,
7 or obstructs or postpones the transmission of any message over the line; or
8 3. Procures or advises any such injury, interference or obstruction,
9 ~~{the person so offending}~~ is guilty of a public offense, as prescribed in NRS
10 193.155, proportionate to the value of any property damaged, altered,
11 removed or destroyed and in no event less than a misdemeanor.
12 **Sec. 2.** NRS 707.140 is hereby amended to read as follows:
13 707.140 Any person ~~{offending against}~~ ***found to be in violation of*** the
14 provisions of NRS ~~{707.020, 707.040, 707.060, 707.100 and 707.120}~~
15 ~~shall,}~~ ***707.130 is***, in addition to the penalties therein prescribed, ~~{be}~~ liable
16 to the person damaged in a civil suit for all damages occasioned thereby.

1 **Sec. 3.** NRS 707.300 is hereby amended to read as follows:

2 707.300 All persons or corporations owning **and operating** telephone
3 lines ~~[now in operation, or who may hereafter construct and operate such~~
4 ~~lines in the State of Nevada, shall be]~~ **in this state are** entitled to all the
5 rights and privileges and ~~[shall be]~~ **are** subject to all the restrictions and
6 responsibilities provided ~~[for]~~ in NRS ~~[707.010 to 707.220, inclusive, and]~~
7 707.230 to 707.290, inclusive, so far as ~~[the same shall be]~~ **those rights,**
8 **privileges, restrictions and responsibilities are** applicable to telephone
9 companies.

10 **Sec. 4.** Chapter 711 of NRS is hereby amended by adding thereto a
11 new section to read as follows:

12 **1. Any person who:**

13 **(a) By the attachment of a ground wire, or by any other contrivance,**
14 **willfully destroys the insulation of a telecommunications line of a**
15 **community antenna television company, or interrupts the transmission of**
16 **the electric current through the line;**

17 **(b) Willfully interferes with the use of any such line, or obstructs or**
18 **postpones the transmission of any message over the line; or**

19 **(c) Procures or advises any such injury, interference or**
20 **obstruction,**

21 **is guilty of a public offense, as prescribed in NRS 193.155, proportionate**
22 **to the value of any property damaged, altered, removed or destroyed and**
23 **in no event less than a misdemeanor.**

24 **2. Any person who violates the provisions of subsection 1 is, in**
25 **addition to the penalty set forth in that subsection, liable to the**
26 **community antenna television company injured by such conduct in a**
27 **civil action for all damages occasioned thereby.**

28 **Sec. 5.** NRS 711.270 is hereby amended to read as follows:

29 711.270 1. ~~[Any]~~ **Unless a greater penalty is provided in section 4**
30 **of this act, any person who knowingly:**

31 **(a) Makes or maintains a connection or attaches any device to any line**
32 **or other component of a community antenna television company;**

33 **(b) Purchases or possesses any device; or**

34 **(c) Makes or maintains any modification to any device installed for a**
35 **community antenna television company,**
36 **to intercept or receive any program or other service provided by a**
37 **community antenna television company without the authorization of the**
38 **company is guilty of a misdemeanor.**

39 **2. Any person who knowingly and without the authorization of a**
40 **community antenna television company:**

41 **(a) Imports into this state;**

42 **(b) Distributes; or**

- 1 (c) Sells, offers or advertises to sell, or possesses with the intent
2 to sell,
3 any device designed to decode a signal encoded by the community antenna
4 television company is guilty of a misdemeanor.
- 5 3. ~~{Any}~~ ***Unless a greater penalty is provided in section 4 of this act,***
6 ***any*** person who willfully violates subsection 1 or 2 for commercial
7 advantage, whether direct or indirect, is guilty of a gross misdemeanor.
- 8 **Sec. 6.** NRS 707.010, 707.020, 707.030, 707.040, 707.050, 707.060,
9 707.070, 707.080, 707.090, 707.100, 707.110, 707.120, 707.160, 707.170,
10 707.180, 707.190, 707.200, 707.210, 707.220, 707.260 and 707.310 are
11 hereby repealed.
- 12 **Sec. 7.** The amendatory provisions of this act do not apply to offenses
13 that were committed before October 1, 1999.

LEADLINES OF REPEALED SECTIONS

- 707.010 "Telegraphic copy" and "telegraphic duplicate" defined.
707.020 Divulging or altering message unlawful; penalty.
707.030 Penalty for unlawful divulging of message.
707.040 Penalty for transmitting or delivering false or forged
message.
707.050 Use of information by agent, operator or employee; civil
and criminal liability.
707.060 Transmission of messages in order; unreasonable delay in
transmission or delivery unlawful; penalty; what messages may be
withheld.
707.070 Civil penalty for failure of company to transmit messages
in order; exceptions.
707.080 Telegram to show time of transmission; penalty.
707.090 Unlawful opening or interception of message; civil and
criminal liability.
707.100 Penalty for unlawful reading or use of message.
707.110 Penalty for unlawful interruption or delay of message.
707.120 Bribery of operator, agent or employee; penalty.
707.160 Distinguishing mark or device of company may be filed
with county clerk; penalty for unlawful use after filing.
707.170 Contract and other communication made by telegraph
deemed in writing.
707.180 Notice by telegraph: Actual notice.
707.190 Instruments in writing may be sent by telegraph;
recording.

707.200 Making and transmission of check, promissory note or order by telegraph; legal effect; burden of proof; preservation of original message.

707.210 Certified written instrument sent by telegraph; legal effect of copy; burden of proof.

707.220 Warrant of arrest: Service by telegraph; procedure.

707.260 Posting of written rates; collection of excessive rates unlawful; penalty.

707.310 Civil and criminal liability for damage to or interruption of communication over telephone line.

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