

SENATE BILL NO. 387—SENATOR PORTER

MARCH 19, 2001

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions governing deceptive trade practices committed by providers of telecommunications service. (BDR 52-1103)

FISCAL NOTE: Effect on Local Government: Yes.
Effect on the State: Yes.

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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 deceptive trade practices; prohibiting a provider of telecommunications service from providing such service to a customer without first informing the customer of the amount to be charged for the 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.** NRS 598.969 is hereby amended to read as follows:
2 598.969 A provider shall not:
3 1. Make a statement or representation regarding the provision of a
4 telecommunications service, including, without limitation, a statement
5 regarding the rates, terms or conditions of a telecommunications service,
6 that:
7 (a) Is false, misleading or deceptive; or
8 (b) Fails to include material information which makes the statement or
9 representation false, misleading or deceptive.
10 2. Misrepresent his identity.
11 3. Falsely state to a person that the person has subscribed or authorized
12 a subscription to or has received a telecommunications service.
13 4. Omit, when explaining the terms and conditions of a subscription to
14 a telecommunications service, a material fact concerning the subscription.
15 5. *Provide a telecommunications service to a customer without first*
16 *informing the customer of the amount to be charged for that service. Any*
17 *provider who violates the provisions of this subsection and charges the*
18 *customer an amount for the service that is greater than the minimum*
19 *amount that the provider charges for the service:*
20 (a) *Shall, if a reduced rate of payment is subsequently negotiated with*
21 *the customer for that service, pay the customer an amount equal to the*
22 *difference between the amount previously charged to the customer for*



1 *the service and the amount that would have been charged to the*
2 *customer had he been charged the reduced rate for that service.*
3 *(b) May not recover from the customer any payment due for the*
4 *service that was previously provided at the higher rate.*
5 6. Fail to provide a customer with timely written notice containing:
6 (a) A clear and detailed description relating directly to the services for
7 which the customer is being billed and the amount the customer is being
8 charged for each service;
9 (b) All terms and conditions relating directly to the services provided;
10 and
11 (c) The name, address and telephone number of the provider.
12 ~~16-1~~ 7. Fail to honor, within a reasonable period, a request of a
13 customer to cancel a telecommunications service pursuant to the terms and
14 conditions for the service.
15 ~~17-1~~ 8. Bill a customer for a telecommunications service after the
16 customer has canceled the telecommunications service pursuant to the
17 terms and conditions of the service.
18 ~~18-1~~ 9. Bill a customer for services that the provider knows the
19 customer has not authorized, unless the service is required to be provided
20 by law. The failure of a customer to refuse a proposal from a provider does
21 not constitute specific authorization.
22 ~~19-1~~ 10. Change a customer's subscription to a local exchange carrier
23 or an interexchange carrier unless:
24 (a) The customer has authorized the change within the 30 days
25 immediately preceding the date of the change; and
26 (b) The provider complies with the provisions of 47 U.S.C. § 258, as
27 amended, and the verification procedures set forth in 47 C.F.R. part 64,
28 subpart K, as amended.
29 ~~110-1~~ 11. Fail to provide to a customer who has authorized the
30 provider to change his subscription to a local exchange carrier or an
31 interexchange carrier a written confirmation of the change within 30 days
32 after the date of the change.
33 ~~111-1~~ 12. Propose or enter into a contract with a person that purports
34 to:
35 (a) Waive the protection afforded to the person by any provision of this
36 section; or
37 (b) Authorize the provider or an agent, employee, independent
38 contractor or representative of the provider to violate any provision of this
39 section.
40 **Sec. 2.** The amendatory provisions of this act do not apply to offenses
41 committed before October 1, 2001.

