

CHAPTER.....

AN ACT relating to telecommunications; providing a procedure by which a customer may dispute a surcharge, fee or designation of place of primary use; changing the place of billing of the customers from which a supplier of mobile telephone service may collect certain fees; changing provisions relating to a limitation on fees charged by local government for a public utility that sells or resells wireless service; and providing other matters properly relating thereto.

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

Section 1. Chapter 244A of NRS is hereby amended by adding thereto a new section to read as follows:

1. If a customer of a supplier of mobile telephone service believes that the amount of a surcharge imposed pursuant to NRS 244A.7643 or the designation of a place of primary use is incorrect, the customer may notify the supplier of mobile telephone service in writing of the alleged error. The notice must include:

- (a) The street address for the place of primary use of the customer;*
- (b) The account number and name shown on the billing statement of the account for which the customer alleges the error;*
- (c) A description of the alleged error; and*
- (d) Any other information which the supplier of mobile telephone service may reasonably require to investigate the alleged error.*

2. Within 60 days after receiving a notice sent pursuant to subsection 1, the supplier of mobile telephone service shall review the records that the supplier of mobile telephone service uses to determine the place of primary use of its customers.

3. If the review indicates:

(a) That the alleged error exists, the supplier of mobile telephone service shall correct the error and refund or credit the customer for the amount which was erroneously collected for the applicable period, not to exceed the 24 months immediately preceding the date on which the customer notified the supplier of mobile telephone service of the alleged error.

(b) That no error exists, the supplier of mobile service shall provide a written explanation to the customer who alleged the error.

4. A customer may not bring a cause of action against a supplier of mobile telephone service for surcharges incorrectly imposed pursuant to NRS 244A.7643 unless he first complies with this section.

Sec. 2. NRS 244A.7641 is hereby amended to read as follows:

244A.7641 As used in NRS 244A.7641 to 244A.7647, inclusive, *and section 1 of this act*, unless the context otherwise requires:

1. “Mobile telephone service” means cellular or other service to a telephone installed in a vehicle or otherwise portable.

2. *“Place of primary use” has the meaning ascribed to it in 4 U.S.C. § 124(8), as that section existed on August 1, 2002.*

3. “Supplier” means a person authorized by the Federal Communications Commission to provide mobile telephone service.

Sec. 3. NRS 244A.7643 is hereby amended to read as follows:

244A.7643 1. The board of county commissioners in a county whose population is more than 100,000 but less than 400,000 may, by ordinance, impose a surcharge on:

(a) Each access line or trunk line of each customer to the local exchange of any telephone company providing those lines in the county; and

(b) The mobile telephone service provided to each customer of that service ~~[who resides]~~ *whose place of primary use is* in the county, for the enhancement of the telephone system for reporting an emergency in the county.

2. The surcharge imposed by a board of county commissioners pursuant to subsection 1:

(a) For each access line to the local exchange of a telephone company, must not exceed 25 cents each month;

(b) For each trunk line to the local exchange of a telephone company, must equal 10 times the amount of the surcharge imposed for each access line to the local exchange of a telephone company pursuant to paragraph (a); and

(c) For each telephone number assigned to a customer by a supplier of mobile telephone service, must equal the amount of the surcharge imposed for each access line to the local exchange of a telephone company pursuant to paragraph (a).

3. A telephone company which provides access lines or trunk lines in a county which imposes a surcharge pursuant to this section or a supplier which provides mobile telephone service to a customer in such a county ~~it~~ shall collect the surcharge from its customers each month. Except as otherwise provided in NRS 244A.7647, the telephone company or supplier shall remit the surcharge it collects to the treasurer of the county where the surcharge is imposed not later than the 15th day of the month after the month it receives payment of the surcharge from its customers.

4. An ordinance adopted pursuant to subsection 1 may include a schedule of penalties for the delinquent payment of amounts due from telephone companies or suppliers pursuant to this section. Such a schedule:

(a) Must provide for a grace period of not less than 90 days after the date on which the telephone company or supplier must otherwise remit the surcharge to the county treasurer; and

(b) Must not provide for a penalty that exceeds 5 percent of the cumulative amount of surcharges owed by a telephone company or a supplier.

5. As used in this section, "trunk line" means a line which provides a channel between a switchboard owned by a customer of a telephone company and the local exchange of the telephone company.

Sec. 4. Chapter 354 of NRS is hereby amended by adding thereto the provisions set forth as sections 5 and 6 of this act.

Sec. 5. 1. *If a customer of a public utility that sells or resells personal wireless services believes that the amount of a fee imposed pursuant to this section and NRS 354.59881 to 354.59889, inclusive, or the designation of a place of primary use is incorrect, the customer may notify the public utility in writing of the alleged error. The notice must include:*

- (a) *The street address for the place of primary use of the customer;*
- (b) *The account number and name shown on the billing statement of the account for which the customer alleges the error;*
- (c) *A description of the alleged error; and*
- (d) *Any other information which the public utility may reasonably require to investigate the alleged error.*

2. *Within 60 days after receiving a notice sent pursuant to subsection 1, the public utility shall review the records which the public utility uses to determine the place of primary use of its customers.*

3. *If the review indicates:*

(a) *That the alleged error exists, the public utility shall correct the error and refund or credit the customer for the amount which was erroneously collected for the applicable period, not to exceed the 24 months immediately preceding the date on which the customer notified the public utility of the alleged error.*

(b) *That no error exists, the public utility shall provide a written explanation to the customer who alleged the error.*

4. *A customer may not bring a cause of action against a public utility that sells or resells personal wireless services for fees incorrectly imposed pursuant to this section and NRS 354.59881 to 354.59889, inclusive, unless he first complies with this section.*

Sec. 6. *“Place of primary use” has the meaning ascribed to it in 4 U.S.C. § 124(8), as that section existed on August 1, 2002.*

Sec. 7. NRS 354.59881 is hereby amended to read as follows:

354.59881 As used in NRS 354.59881 to 354.59889, inclusive, *and sections 5 and 6 of this act*, unless the context otherwise requires, the words and terms defined in NRS 354.598811 to 354.598818, inclusive, *and section 6 of this act* have the meanings ascribed to them in those sections.

Sec. 8. NRS 354.59883 is hereby amended to read as follows:

354.59883 A city or county shall not adopt an ordinance imposing or increasing a fee:

1. If that ordinance would alter the terms of any existing franchise agreement between the city or county and a public utility.

2. That applies to any public utility which does not derive revenue from customers located within the jurisdiction of the city or county.

3. If, after the adoption of the ordinance:

(a) Any part of a fee to which the ordinance applies will be based upon any revenue of a public utility other than its revenue from customers located within the jurisdiction of the city or county.

(b) The total cumulative amount of all fees the city or county imposes upon a public utility to which the ordinance applies will exceed:

(1) Except as otherwise provided in subparagraph (2), 5 percent of the utility's gross revenue from customers located within the jurisdiction of the city or county.

(2) For a public utility that sells or resells personal wireless services, 5 percent of its gross revenue from the first \$15 charged monthly for each line of access for each of its customers ~~who has a billing address~~ *whose place of primary use is* located within the jurisdiction of the city or county.

Secs. 9-11. (Deleted by amendment.)

Sec. 12. This act becomes effective on August 1, 2002.