

SENATE BILL NO. 563—COMMITTEE ON GOVERNMENT AFFAIRS

MARCH 26, 2001

Referred to Committee on Government Affairs

SUMMARY—Makes various changes relating to telecommunications. (BDR 20-1334)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: 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; 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; removing the date for expiration of the provisions relating to the surcharge on telephone services for the enhancement of the telephone systems for reporting emergencies; 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:

- 1 **Section 1.** Chapter 244A of NRS is hereby amended by adding
2 thereto a new section to read as follows:
3 1. *If a customer of a supplier of mobile telephone service believes*
4 *that the amount of a surcharge imposed pursuant to NRS 244A.7643 or*
5 *the designation of a place of primary use is incorrect, the customer may*
6 *notify the supplier of mobile telephone service in writing of the alleged*
7 *error. The notice must include:*
8 (a) *The street address for the place of primary use of the customer;*
9 (b) *The account number and name shown on the billing statement of*
10 *the account for which the customer alleges the error;*
11 (c) *A description of the alleged error; and*
12 (d) *Any other information which the supplier of mobile telephone*
13 *service may reasonably require to investigate the alleged error.*
14 2. *Within 60 days after receiving a notice sent pursuant to subsection*
15 *1, the supplier of mobile telephone service shall review the records that*
16 *the supplier of mobile telephone service uses to determine the place of*
17 *primary use of its customers.*
18 3. *If the review indicates:*



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

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

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

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

13 244A.7641 As used in NRS 244A.7641 to 244A.7647, inclusive, *and*
14 *section 1 of this act*, unless the context otherwise requires:

15 1. "Mobile telephone service" means cellular or other service to a
16 telephone installed in a vehicle or otherwise portable.

17 2. "Place of primary use" has the meaning ascribed to it in 4 U.S.C.
18 § 124(8), as that section existed on August 1, 2002.

19 3. "Supplier" means a person authorized by the Federal
20 Communications Commission to provide mobile telephone service.

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

22 244A.7643 1. The board of county commissioners in a county whose
23 population is more than 100,000 but less than 400,000 may, by ordinance,
24 impose a surcharge on:

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

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

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

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

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

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

43 3. A telephone company which provides access lines or trunk lines in a
44 county which imposes a surcharge pursuant to this section or a supplier
45 which provides mobile telephone service to a customer in such a county ~~+~~
46 shall collect the surcharge from its customers each month. Except as
47 otherwise provided in NRS 244A.7647, the telephone company or supplier
48 shall remit the surcharge it collects to the treasurer of the county where the



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1 surcharge is imposed not later than the 15th day of the month after the
2 month it receives payment of the surcharge from its customers.

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

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

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

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

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

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

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

29 2. *Within 60 days after receiving a notice sent pursuant to subsection*
30 *1, the public utility shall review the records which the public utility uses*
31 *to determine the place of primary use of its customers.*

32 3. *If the review indicates:*

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

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

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

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

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

47 354.59881 As used in NRS 354.59881 to 354.59889, inclusive, *and*
48 *sections 5 and 6 of this act*, unless the context otherwise requires, the
49 words and terms defined in NRS 354.598811 to 354.598818, inclusive,



1 *and section 6 of this act* have the meanings ascribed to them in those
2 sections.

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

4 354.59883 A city or county shall not adopt an ordinance imposing or
5 increasing a fee:

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

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

10 3. If, after the adoption of the ordinance:

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

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

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

19 (2) For a public utility that sells or resells personal wireless services,
20 5 percent of its gross revenue from the first \$15 charged monthly for each
21 line of access for each of its customers ~~who has a billing address~~ *whose*
22 *place of primary use is* located within the jurisdiction of the city or county.

23 **Sec. 9.** Section 6 of chapter 427, Statutes of Nevada 1995, as last
24 amended by chapter 375, Statutes of Nevada 1999, at page 1686, is hereby
25 amended to read as follows:

26 Sec. 6. This act becomes effective on January 1, 1996 . ~~and~~
27 ~~expires by limitation on December 31, 2001.~~

28 **Sec. 10.** Section 2 of chapter 375, Statutes of Nevada 1999, at page
29 1686, is hereby amended to read as follows:

30 Sec. 2. 1. This act becomes effective upon passage and
31 approval.

32 2. Notwithstanding the provisions of NRS 244A.7643, a board of
33 county commissioners that has imposed a surcharge pursuant to NRS
34 244A.7643 shall not impose such a surcharge on the mobile telephone
35 service provided to each customer of that service ~~who resides~~ *whose*
36 *place of primary use is* in the county on or after the date on which the
37 advisory committee established in that county pursuant to NRS
38 244A.7645 notifies the board of county commissioners that the
39 enhancement of the telephone system for reporting an emergency in
40 that county has been completed in such a manner that when a person
41 reports an emergency by placing a call on a mobile telephone, the:

42 (a) Identification of the person who pays for that mobile telephone
43 service; and

44 (b) Location of the antenna that receives and transmits that
45 call,

46 are transmitted to the location that has been designated to receive calls
47 that report an emergency and to route them to the appropriate
48 personnel for the provision of emergency services.



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1 3. A board of county commissioners that has imposed a surcharge
2 pursuant to NRS 244A.7643 shall notify in a timely manner each
3 telephone company and supplier that collects such a surcharge to
4 cease collecting the surcharge ~~;~~
5 ~~—(a) On each access line or trunk line of each customer to the local~~
6 ~~exchange of any telephone company providing those lines in the~~
7 ~~county on or after December 31, 2001.~~
8 ~~—(b) On~~ *on* the mobile telephone service provided to each customer
9 of that service who resides in the county on or after the ~~earlier of the~~
10 ~~following dates:~~
11 ~~—(1) December 31, 2001; or~~
12 ~~—(2) The~~ date on which the advisory committee established in
13 that county pursuant to NRS 244A.7645 notifies the board of county
14 commissioners of that county that the enhancement of the telephone
15 system for reporting an emergency in that county has been completed
16 in the manner described in subsection 2.
17 4. *As used in this section, "place of primary use" has the*
18 *meaning ascribed to it in 4 U.S.C. § 124(8), as that section existed*
19 *on August 1, 2002.*
20 **Sec. 11.** Section 55 of chapter 530, Statutes of Nevada 1999, at page
21 2719, is hereby amended to read as follows:
22 Sec. 55. ~~111~~ This act becomes effective upon passage and
23 approval.
24 ~~12. Section 39 of this act expires by limitation on December 31,~~
25 ~~2001.~~
26 **Sec. 12.** This act becomes effective on August 1, 2002.

