

HOUSE BILL NO. 562
INTRODUCED BY BALLANTYNE

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE LAWS RELATING TO A CUSTOMER'S TELECOMMUNICATIONS CARRIER; PROVIDING THAT AN ELECTRONIC SIGNATURE MAY BE USED TO AUTHORIZE A CHANGE IN A CUSTOMER'S TELECOMMUNICATIONS CARRIER OR TO AUTHORIZE A CHARGE FOR A SERVICE OR PRODUCT TO BE BILLED ON A CUSTOMER'S BILL; ELIMINATING THE REQUIREMENT THAT A TELECOMMUNICATIONS CARRIER OBTAIN A CUSTOMER'S AUTHORIZATION TO PROVIDE SERVICES TO THE CUSTOMER AS A RESULT OF ACQUIRING THE SUBSCRIBER BASE OF ANOTHER CARRIER; AMENDING SECTIONS 69-3-1302 AND 69-3-1303, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 69-3-1302, MCA, is amended to read:

"69-3-1302. Definitions. As used in this part, the following definitions apply:

~~(1) "Commission" means the public service commission provided for in 2-15-2602.~~

~~(2)~~(1) "Customer" means a person who has purchased telecommunications services from a telecommunications carrier.

(2) "Electronic signature" has the meaning as provided in 30-18-102.

(3) "Local exchange company" ~~means the same~~ has the meaning as provided in 53-19-302.

(4) "Primary interexchange carrier" means the telecommunications carrier from which a customer chooses to purchase long-distance services.

(5) (a) "Telecommunications carrier" or "carrier" means any provider of telecommunications services. A person providing other products and services is considered a telecommunications carrier only to the extent that the person is engaged in providing telecommunications services.

(b) The term does not mean aggregators of telecommunications services as defined in 47 U.S.C. 226."

Section 2. Section 69-3-1303, MCA, is amended to read:

"69-3-1303. Prohibition -- exceptions. (1) A telecommunications carrier may not request a change in a customer's primary interexchange carrier or local exchange company ~~except~~ unless:

(a) ~~when the requesting carrier has obtained from the customer a document signed by the customer~~ customer's written or electronic signature on a form that contains clear and conspicuous disclosure of the customer's request for a change in telecommunications carrier;

(b) ~~when the customer affected by the change initiates the contact with the carrier in order to request the change; or~~

(c) ~~when the carrier who has initiated the change has obtained the customer's verbal authorization as verified by an independent third party or by electronic means in accordance with rules prescribed by the commission; or~~

(d) the change in carrier is the result of a sale or transfer of a subscriber base from one carrier to another and the carrier that has acquired the subscriber base has notified the commission and customers affected by the change in accordance with rules prescribed by the commission.

(2) The documentation required in subsection (1):

(a) ~~must be signed by~~ include the written or electronic signature of the customer responsible for paying the charges on the account held by the telecommunications carrier; and

(b) may not be a part of any sweepstakes, contest, or similar promotional program.

(3) A telecommunications carrier or other entity may not initiate charges to be placed on a customer's telecommunications bill unless the service or product has been requested by and provided to the customer. A customer request must be made in the following manner:

(a) by written authorization, in which the telecommunications provider or other entity has obtained ~~a document signed by the customer~~ customer's written or electronic signature on a form containing a clear and conspicuous disclosure of the customer's authorization or order of the product or service; or

(b) by verbal authorization, in which the telecommunications carrier or other entity has obtained the customer's verbal authorization as verified by an independent third party or by electronic means in accordance with commission rules.

(4) The documentation provided for in ~~subsections (3)(a) and (3)(b)~~ subsection (3):

(a) ~~must be signed by~~ include the written or electronic signature of the customer responsible for paying the charges on the telecommunications bill; and

(b) may not be a part of a sweepstakes, contest, or similar promotional program.

(5) A customer is not liable for any charges submitted for billing on the local exchange company's telephone bill by another carrier or entity for products or services that the customer did not authorize or that were not provided to the customer.

(6) The provisions of subsections (3), (4), and (5) do not apply to a transaction between a customer and that customer's selected providers of local exchange or interexchange service."

NEW SECTION. **Section 3. Effective date.** [This act] is effective on passage and approval.

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