

SENATE BILL NO. 183

INTRODUCED BY G. HERTZ

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING A STATUTE OF LIMITATIONS FOR OVERBILLING OF REGULATED TELECOMMUNICATIONS TARIFF CHARGES; PROVIDING A 2-YEAR STATUTE OF LIMITATIONS; ~~AND PROVIDING FOR CONSISTENCY WITH FEDERAL PROVISIONS;~~ AND PROVIDING AN APPLICABILITY DATE."

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

NEW SECTION. Section 1. Overbilling of regulated telecommunications tariff charges -- statute of limitations for recovery. (1) A person or entity alleging overbilling of tariffed telecommunications charges by a regulated telecommunications company shall file the action before the commission or a court of competent jurisdiction within 2 years of the date of overbilling.

(2) This section is intended to be consistent with limitations on actions as provided in 47 U.S.C. 415.

(3) For purposes of this section, the following definitions apply:

(a) "Overbilling" means presenting a bill to a customer of a regulated telecommunications company that includes charges that overstate the amount owed by the customer pursuant to the tariff for the service as approved by and on file with the commission.

(b) "Regulated telecommunications company" means all public utility companies that are regulated pursuant to 69-3-101(1)(f), Title 69, chapter 3, part 8, and 69-3-803(10).

(c) "Tariffed telecommunications charges" means all charges and fees for regulated services billed by a regulated telecommunications company as authorized by a tariff that has been approved by and filed with the commission.

NEW SECTION. Section 2. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 69, chapter 3, part 2, and the provisions of Title 69, chapter 3, part 2, apply to [section 1].

