

By: Representative Ward

To: Public Utilities

HOUSE BILL NO. 984

1 AN ACT TO PROHIBIT TELECOMMUNICATIONS COMPANIES AND ANCILLARY
2 SERVICE PROVIDERS FROM BILLING CONSUMERS FOR ADDITIONAL
3 TELECOMMUNICATIONS SERVICES OR OTHER GOODS OR SERVICES THAT HAVE
4 NOT BEEN AUTHORIZED BY THE CONSUMER; AND FOR RELATED PURPOSES.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

6 SECTION 1. (1) As used in this section, the following words
7 and phrases have the meanings ascribed in this subsection unless
8 the context clearly indicates otherwise:

9 (a) "Ancillary service provider" means a person who
10 provides goods or services other than, or in addition to,
11 telecommunications services to consumers and bills consumers
12 through a long-distance telecommunications service provider or
13 local telecommunications company.

14 (b) "Consumer" means a person to whom is assigned in
15 the State of Mississippi a telephone line and corresponding
16 telephone number.

17 (c) "Telecommunications company" means a public utility
18 of the type defined in Section 77-3-3(d)(iii).

19 (2) A telecommunications company may not initiate or bill
20 additional telecommunications services that are not required to be
21 offered by the Public Service Commission and which a consumer has
22 not authorized or requested specifically. A consumer may not be
23 required to pay for any additional services that the consumer did
24 not authorize or request. If a charge is assessed on a per-use
25 basis for a service described in this subsection and the consumer
26 notifies the providing telecommunications company that the
27 consumer did not utilize the service or authorize the utilization

28 of the service, the telecommunications company must initiate a
29 refund of the charge or apply a credit in an amount equal to the
30 charge to the consumer's next monthly bill.

31 (3) An ancillary service provider may not charge a consumer
32 through the consumer's telecommunications bill for goods or
33 services without the consumer's authorization to acquire the goods
34 or services. A consumer may not be required to pay for any goods
35 or services that are provided by an ancillary service provider and
36 which the consumer did not authorize or request specifically. If
37 the consumer paid for any goods or services that the consumer did
38 not authorize or request, the ancillary service provider must
39 refund to the consumer an amount equal to all charges paid to the
40 ancillary service provider by that consumer. The consumer may
41 recover attorney fees and costs incurred in obtaining a refund
42 from the ancillary service provider.

43 (4) A telecommunications company or ancillary service
44 provider may not use a sweepstakes, contest or drawing entry form
45 as authorization to add or change telecommunications services or
46 other goods or services to a consumer's telephone bill.

47 SECTION 2. This act shall take effect and be in force from
48 and after July 1, 2001.