



General Assembly

January Session, 2005

**Raised Bill No. 6707**

LCO No. 3597

\*03597\_\_\_\_\_ET\_\*

Referred to Committee on Energy and Technology

Introduced by:  
(ET)

**AN ACT CONCERNING RIGHTS OF CELLULAR TELEPHONE USERS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2005*) (a) The Department of  
2 Public Utility Control shall regulate the terms of contracts for service  
3 by cellular mobile telephone carriers and the billing practices and other  
4 activities of such carriers, in accordance with the provisions of this  
5 section and sections 2 to 12, inclusive, of this act.

6 (b) Notwithstanding the provisions of sections 16-247p and 16-250b  
7 of the general statutes, the department shall, not later than March 1,  
8 2006, adopt regulations, in accordance with the provisions of chapter  
9 54 of the general statutes, to implement the provisions of this section  
10 and sections 2 to 12, inclusive, of this act and to establish a complaint  
11 handling procedure within the department for billing disputes  
12 between a cellular mobile telephone carrier and its customers.

13 Sec. 2. (NEW) (*Effective October 1, 2005*) (a) A contract for service by  
14 a cellular mobile telephone carrier shall be a record and shall contain,  
15 in not less than ten-point, boldface type of uniform font, (1)  
16 information on charges, including, but not limited to, charges for

17 calling from the area, monthly base charges, per minute charges for  
18 minutes not included in the contract, and the method of calculating  
19 minutes charged; (2) information on the minutes included in the  
20 contract, including, but not limited to, differing charges such as  
21 daytime and nighttime charges and long distance, roaming, incoming  
22 and directory assistance charges; (3) information on other terms of the  
23 contract, including, but not limited to, length of contract, early or other  
24 termination fees, trial periods and start-up fees; (4) information on  
25 taxes to be collected by the carrier; (5) information on surcharges  
26 imposed by the carrier for the costs of compliance for regulations or for  
27 other purposes; and (6) any other information that the department  
28 considers necessary to fully inform a consumer of the terms of the  
29 contract.

30 (b) Carriers shall provide the information required by this act and  
31 by regulation to a consumer before entering into any contract with a  
32 consumer for cellular mobile telephone service and in advertising  
33 materials, to the extent practicable in the advertising method used.

34 (c) A contract for cellular mobile telephone service shall be not  
35 longer than twelve months, except that on expiration of such a  
36 contract, the carrier may offer to the customer the right to renew the  
37 contract for a period not more than twelve months.

38 Sec. 3. (NEW) (*Effective October 1, 2005*) A cellular mobile telephone  
39 carrier shall provide customers with written notice of any change in  
40 rates, terms or conditions of service not less than thirty days before the  
41 change is to take effect. If any such change will result in higher rates or  
42 more restrictions on service or otherwise adversely affect the customer,  
43 the customer may, within such thirty-day period, terminate the service  
44 without penalty and receive a pro rata refund of the charges, if any, for  
45 the mobile telephone equipment associated with the subject contract  
46 for service. Such notice shall inform the customer of his or her rights  
47 pursuant to this subsection and the steps to take to implement such  
48 rights.

49       Sec. 4. (NEW) (*Effective October 1, 2005*) A contract for cellular  
50 mobile telephone service may be canceled, without penalty, on the  
51 request of the customer for any reason during the first thirty days after  
52 the customer has received the first bill, provided the customer shall be  
53 responsible for the cost of the service used during the time period the  
54 contract was in effect.

55       Sec. 5. (NEW) (*Effective October 1, 2005*) A customer bill for cellular  
56 mobile telephone service shall be clearly organized, written in plain  
57 language and contain a separate, itemized listing of (1) taxes and fees  
58 required by federal, state or local statute or regulation, and (2) within  
59 sixty days of the call being placed, roaming or off-network charges and  
60 an identification of the date and origination of the calls associated with  
61 such charges. At the request of a customer, a cellular mobile telephone  
62 carrier shall provide an itemized bill to the customer at no cost.

63       Sec. 6. (NEW) (*Effective October 1, 2005*) Customers shall not be liable  
64 for charges associated with the use of cellular mobile telephone service  
65 if such use was unauthorized by the customer due to loss or theft,  
66 provided such loss or theft is promptly reported to the carrier.

67       Sec. 7. (NEW) (*Effective October 1, 2005*) A cellular mobile telephone  
68 carrier shall not terminate a customer's service for nonpayment while a  
69 customer has a billing complaint pending regarding the subject bill  
70 before the Department of Public Utility Control and for fifteen days  
71 following the resolution of such complaint, or for a period of time  
72 established by the department, provided, during the pendency of such  
73 complaint, the customer shall pay the undisputed portions of the  
74 subject bill for service and any amounts the department determines are  
75 necessary to fairly compensate the carrier.

76       Sec. 8. (NEW) (*Effective October 1, 2005*) Each cellular mobile  
77 telephone carrier shall make available, in the manner herein described,  
78 maps showing the service area of the provider within and without the  
79 state. Such maps shall be the maximum practicable level of clarity and  
80 shall be updated quarterly. Each map of a service area shall be (1)

81 provided to a consumer on request of the consumer and whenever a  
82 contract for service is entered into, and (2) made available on the  
83 Internet website of the carrier and on the Internet website of the  
84 Department of Public Utility Control.

85       Sec. 9. (NEW) (*Effective October 1, 2005*) (a) The Department of Public  
86 Utility Control shall monitor and make public the quality of cellular  
87 mobile telephone service in the state. To assist the department in its  
88 responsibilities under this section, cellular mobile telephone service  
89 carriers shall provide semiannual reports to the department, in a  
90 format and at a time determined by the department, on dropped calls,  
91 blocked calls, known coverage gaps, including average signal strength,  
92 dead zones, predicted street level signal strength and any other  
93 matters the department considers appropriate with respect to the  
94 quality of such service in the state.

95       (b) The department shall establish an Internet website at which  
96 members of the public can submit to the department their comments  
97 and views on the quality of cellular mobile telephone service in the  
98 state. The department shall accept such comments and views by mail.

99       (c) The department shall, on a semiannual basis, make available to  
100 the public and to cellular mobile telephone service carriers information  
101 on the quality of cellular mobile telephone service in the state.

102       Sec. 10. (NEW) (*Effective October 1, 2005*) (a) A cellular mobile  
103 telephone service carrier, or a direct or indirect affiliate or agent of a  
104 carrier, providing the name and mobile telephone number information  
105 of a customer for inclusion in a directory of any form, or selling,  
106 leasing, leasing or sharing the contents of a directory database, or any  
107 portion or segment thereof, shall not include the mobile telephone  
108 number information of a customer without first obtaining the express  
109 consent of the customer. The carrier's form for obtaining the customer's  
110 express consent shall meet all of the following requirements:

111       (1) It shall be a separate record that is not attached to any other

112 record.

113 (2) It shall be signed and dated by the customer.

114 (3) It shall be unambiguous, legible and conspicuously disclose that,  
115 by signing, the customer is consenting to have the customer's mobile  
116 telephone number information sold or licensed as part of a list of  
117 customers and the customer's mobile telephone number information  
118 may be included in a publicly available directory.

119 (4) If, under the customer's contract for service, the customer may be  
120 billed for receiving unsolicited calls or text messaging from a  
121 telemarketer, the carrier's form shall be unambiguous, legible and  
122 conspicuously disclose that, by consenting to have the subscriber's  
123 mobile telephone number information sold or licensed as part of a list  
124 of customers or be included in a publicly-available directory, the  
125 customer may incur additional charges for receiving unsolicited calls  
126 or text messages.

127 (b) A customer who provides express prior consent pursuant to  
128 subsection (a) of this section may revoke that consent at any time. A  
129 carrier shall comply with the customer's request to opt out within a  
130 reasonable period, not to exceed sixty days.

131 (c) A customer shall not be charged for making the choice to not be  
132 listed in a directory.

133 (d) The provisions of this section do not apply to the furnishing of  
134 mobile telephone number information to the following for the  
135 purposes indicated:

136 (1) To a collection agency, to the extent disclosures made by the  
137 provider are exclusively for the collection of the subscriber's unpaid  
138 debt to the provider.

139 (2) To a law enforcement agency, fire protection agency, public  
140 health agency, public environmental health agency, municipal

141 emergency services planning agency, or private for-profit agency  
142 operating under contract with and at the direction of, one or more of  
143 such agencies for the exclusive purpose of responding to a 9-1-1 call or  
144 communicating an imminent threat to life or property.

145 (3) To a lawful process issued under state or federal law.

146 (4) To a telephone company or certified telecommunications  
147 provider, as defined in section 16-1 of the general statutes, providing  
148 service between service areas for the provision to the customer of  
149 telephone service between service areas, or to third parties for the  
150 limited purpose of providing bill services.

151 (5) To a telephone company or certified telecommunications  
152 provider to implement a customer's request to transfer the customer's  
153 assigned telephone number from the customer's existing provider of  
154 telecommunications services to a new provider of telecommunications  
155 services.

156 (6) To the Department of Public Utility Control pursuant to its  
157 jurisdiction and control over cellular mobile telephone carriers.

158 (e) No telephone company, cellular mobile telephone carrier or  
159 certified telecommunications provider, and no official or employee  
160 thereof, shall be subject to criminal or civil liability for the release of  
161 customer information as authorized by this section.

162 Sec. 11. (NEW) (*Effective October 1, 2005*) (a) The Department of  
163 Public Utility Control shall enforce the provisions of sections 1 to 10,  
164 inclusive, and section 12 of this act. The department may, consistent  
165 with federal law, assess a civil penalty not to exceed one thousand  
166 dollars against any telephone company, cellular mobile telephone  
167 carrier or certified telecommunications provider that neglects or  
168 knowingly fails to comply with a requirement of this act.

169 (b) Failure to comply with any provisions of sections 1 to 10,  
170 inclusive, and section 12 of this act or any regulation promulgated in

171 accordance with this act shall constitute an unfair or deceptive trade  
172 practice under section 42-110b of the general statutes.

173       Sec. 12. (NEW) (*Effective October 1, 2005*) (a) A contract for service  
174 by a cellular mobile telephone carrier shall not waive, or have the  
175 practical effect of waiving the rights of a party to the contract, to: (1)  
176 Resolve a dispute arising under the contract by obtaining injunctive,  
177 declaratory or other equitable relief; (2) relief on a class wide basis;  
178 punitive damages; (3) multiple or minimum damages as permitted by  
179 statute; (4) attorney fees and costs permitted by law; or (5) a hearing  
180 where the party can present evidence in person.

181       (b) A contract for service by a cellular mobile telephone carrier shall  
182 not waive or have the practical effect of requiring that any aspect of a  
183 resolution of a dispute between the parties to the contract be kept  
184 secret. This subsection shall not affect the rights of the parties to agree,  
185 after a dispute arises, to keep a resolution confidential, except that if  
186 the dispute is before a state agency or a state or federal court, the  
187 parties may not agree to keep resolution of such a dispute confidential.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2005</i>	New section
Sec. 2	<i>October 1, 2005</i>	New section
Sec. 3	<i>October 1, 2005</i>	New section
Sec. 4	<i>October 1, 2005</i>	New section
Sec. 5	<i>October 1, 2005</i>	New section
Sec. 6	<i>October 1, 2005</i>	New section
Sec. 7	<i>October 1, 2005</i>	New section
Sec. 8	<i>October 1, 2005</i>	New section
Sec. 9	<i>October 1, 2005</i>	New section
Sec. 10	<i>October 1, 2005</i>	New section
Sec. 11	<i>October 1, 2005</i>	New section
Sec. 12	<i>October 1, 2005</i>	New section

***Statement of Purpose:***

To provide information to users of cellular telephones regarding the terms of cellular telephone contracts, quality and area of service, billing practices, privacy of customer telephone numbers, dispute resolution, to provide remedies for failure to comply with this act and to provide the Department of Public Utility Control with the authority to regulate practices of cellular telephone carriers and to enforce this act.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*