



General Assembly

**Amendment**

January Session, 2011

LCO No. 6712

**\*SB0009806712SD0\***

Offered by:

SEN. FONFARA, 1<sup>st</sup> Dist.

SEN. WITKOS, 8<sup>th</sup> Dist.

SEN. DOYLE, 9<sup>th</sup> Dist.

To: Subst. Senate Bill No. 98

File No. 16

Cal. No. 41

**"AN ACT PROHIBITING SPOOFING AND CRAMMING."**

1 Strike everything after the enacting clause and substitute the  
2 following in lieu thereof:

3 "Section 1. Section 53a-130 of the general statutes is repealed and the  
4 following is substituted in lieu thereof (*Effective October 1, 2011*):

5 (a) A person is guilty of criminal impersonation when such person:  
6 (1) Impersonates another and does an act in such assumed character  
7 with intent to obtain a benefit or to injure or defraud another; or (2)  
8 pretends to be a representative of some person or organization and  
9 does an act in such pretended capacity with intent to obtain a benefit  
10 or to injure or defraud another; or (3) pretends to be a public servant  
11 other than a sworn member of an organized local police department or  
12 the Division of State Police within the Department of Public Safety, or  
13 wears or displays without authority any uniform, badge or shield by  
14 which such public servant is lawfully distinguished, with intent to

15 induce another to submit to such pretended official authority or  
16 otherwise to act in reliance upon that pretense; or (4) with intent to  
17 defraud, deceive or injure another, uses an electronic device to  
18 impersonate another and such act results in personal injury or financial  
19 loss to another or the initiation of judicial proceedings against another.

20 (b) Criminal impersonation is a class A misdemeanor.

21 Sec. 2. (NEW) (*Effective October 1, 2011*) (a) As used in this section,  
22 (1) "billing company" means any company that issues a bill directly to  
23 a customer for any product or service not provided to such customer  
24 by such company or any affiliate of such company; and (2) "service  
25 provider" means any entity that provides a product or service to a  
26 customer and that directly or indirectly charges such customer for such  
27 product or service on a bill issued by a billing company, and does not  
28 include any billing company.

29 (b) A service provider may charge a customer on a bill for any  
30 product or service provided to such customer by such service  
31 provider, if (1) such service provider clearly and conspicuously  
32 disclosed to such customer all material terms and conditions of such  
33 product or service, including all charges, (2) such customer expressly  
34 consented to obtain such product or service, (3) such service provider  
35 provided such customer with a toll-free telephone number for  
36 resolving billing disputes or obtaining other information, and (4) such  
37 service provider took affirmative steps to determine that any person  
38 who consented to such product or service and the corresponding  
39 charges was authorized to incur such charges.

40 (c) Any service provider that charges a customer for a product or  
41 service is responsible for resolving any disputed charges concerning  
42 such product or service. No billing company shall be liable for civil  
43 damages resulting from the inclusion of any unauthorized charges for  
44 any product or service provided by a service provider that appear on  
45 any such customer's bill prepared by such billing company, provided  
46 the inclusion of any such unauthorized charges on such bill was the

47 result of information received from such service provider. Service  
48 providers shall maintain records of any dispute concerning charges for  
49 a product or service provided to such customer for not less than  
50 twenty-four months after such dispute arises.

51 (d) The provisions of subsections (b) and (c) of this section shall not  
52 apply to the billing of charges for any products or services provided to  
53 any customer by any billing company, any affiliate of such billing  
54 company or any third party with whom such billing company jointly  
55 markets such products or services."

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2011</i>	53a-130
Sec. 2	<i>October 1, 2011</i>	New section