

LEGISLATURE OF NEBRASKA
NINETY-SIXTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1097

Introduced by Landis, 46

Read first time January 7, 2000

Committee: Transportation

A BILL

1 FOR AN ACT relating to telecommunications; to amend sections
2 86-1908 and 86-1911, Reissue Revised Statutes of
3 Nebraska; to change cramming provisions; to provide for a
4 civil penalty; and to repeal the original sections.
5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 86-1908, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 86-1908. If the Public Service Commission finds that a
4 telecommunications company has violated section 86-1907 or 86-1911,
5 the commission shall order the company to take corrective action as
6 necessary and the company may be subject to administrative
7 penalties pursuant to section 86-1909. Any money collected by the
8 commission pursuant to this section shall be remitted to the State
9 Treasurer for credit to the permanent school fund.

10 Sec. 2. Section 86-1911, Reissue Revised Statutes of
11 Nebraska, is amended to read:

12 86-1911. (1) No telecommunications company shall
13 initiate or bill for, either directly or through an agent,
14 additional ~~telecommunications~~ services not required by the Public
15 Service Commission to be offered and for which the subscriber did
16 not explicitly request or subscribe. If ~~(a) a charge is assessed~~
17 ~~on a per-use basis for a service described in this subsection and~~
18 ~~(b) the subscriber notifies the providing such~~ telecommunications
19 company that the subscriber did not utilize the service or the
20 subscriber did not authorize the utilization of the service, ~~the~~
21 ~~providing telecommunications such~~ company shall initiate a refund
22 of the charge or may apply the charge as a credit to the
23 subscriber's next monthly bill with the approval of the subscriber.

24 (2) If a ~~providing~~ telecommunications company receives a
25 notification pursuant to ~~subdivision (1)(b)~~ subsection (1) of this
26 section, the company shall inform the subscriber of the ability, if
27 possible, to block services from future use by the subscriber and
28 shall block the services when possible from future use by the

1 subscriber if the subscriber so requests. If a subscriber requests
2 that the company not block the service or later requests to have
3 the block lifted, the subscriber shall be responsible for charges
4 caused by the future utilization of such service. The company
5 shall not charge a recurring fee for blocking such service.

6 Sec. 3. Original sections 86-1908 and 86-1911, Reissue
7 Revised Statutes of Nebraska, are repealed.