

SECOND REGULAR SESSION

HOUSE BILL NO. 1599

95TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES WALSH (Sponsor), LeVOTA, SKAGGS, PACE, KRATKY,
WALTON GRAY, LAMPE, NANCE, HARRIS, FUNDERBURK, MEADOWS, FRAME, ENGLUND,
SCHIEFFER, SCAVUZZO, OXFORD, CARTER AND CORCORAN (Co-sponsors).

3325L.01I

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 407, RSMo, by adding thereto one new section relating to unfair and deceptive practices in telephone billing for miscellaneous products or services.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 407, RSMo, is amended by adding thereto one new section, to be
2 known as section 407.1069, to read as follows:

**407.1069. 1. This section shall be known and may be cited as the "Anticramming
2 Protection Act".**

3 **2. As used in this section, the following words mean:**

4 **(1) "Customer", the account holder, including the account holder's spouse, in**
5 **whose name telephone service is billed, including individuals, governmental units at all**
6 **levels of government, corporate entities, and any other entity or person with legal capacity**
7 **to request to be billed for telephone service;**

8 **(2) "FCC", the Federal Communications Commission;**

9 **(3) "Miscellaneous product or service", any product or service that is not:**

10 **(a) Telephone exchange service, telephone toll service, or services that are provided**
11 **by the subscriber's selected provider of telephone exchange service or telephone toll service**
12 **and that the FCC defines by rule as services that are ancillary to telephone exchange**
13 **service or telephone toll service;**

14 **(b) Pay-per-call services; or**

15 **(c) Telephone billed purchases;**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

16 (4) "Miscellaneous product or service charges", charges for a miscellaneous
17 product or service that are billed on a telephone bill;

18 (5) "Telephone bill", a bill:

19 (a) For telephone exchange service and other services issued by or on behalf of a
20 common carrier to its telephone exchange service customers; or

21 (b) For telephone toll service and other services issued by or on behalf of a common
22 carrier to its telephone toll service customers;

23 (6) "Telephone exchange service", service within a telephone exchange, or within
24 a connected system of telephone exchanges within the same exchange area operated to
25 furnish to customers intercommunicating service of the character ordinarily furnished by
26 a single exchange, and which is covered by the exchange service charge or comparable
27 service provided through

28 a system of switches, transmission equipment, or other facilities (or combination thereof)
29 by which a customer can originate and terminate a telecommunications service;

30 (7) "Telecommunications provider", a person that provides telecommunications
31 service;

32 (8) "Telecommunications service", making telecommunications available to the
33 public for a fee;

34 (9) "Telephone toll service", telephone service between stations in different
35 exchange areas for which there is made a separate charge not included in contracts with
36 customers for exchange service.

37 3. A customer of a telecommunications provider shall not be billed for
38 miscellaneous product or service charges by a telecommunications provider that without
39 the customer's authorization added the miscellaneous product or service to the customer's
40 telephone bill. If a telecommunications provider does not comply with this subsection, a
41 customer may notify the attorney general or the public service commission.

42 4. A complaint may be filed with the attorney general by a customer of a
43 telecommunications provider, or by the public service commission on behalf of the
44 customer of a telecommunications provider upon notification under subsection 3 of this
45 section, who has been billed for miscellaneous product and service charges by a
46 telecommunications provider without the customer's authorization.

47 5. (1) Whenever the attorney general of this state has reason to believe that the
48 interests of the residents of this state have been or are being threatened or adversely
49 affected because any person has engaged or is engaging in a pattern or practice which
50 violates this section, the attorney general may bring a civil action on behalf of its residents
51 in an appropriate court to enjoin such pattern or practice, to enforce compliance with this

52 section, to obtain damages on behalf of the residents of this state, or to obtain such further
53 and other relief as the court may deem appropriate.

54 (2) The attorney general shall serve prior written notice of any civil action under
55 subdivision (1) of this subsection upon the FCC and provide the FCC with a copy of its
56 complaint, except that if it is not feasible to provide such prior notice, the attorney general
57 shall serve such notice immediately upon instituting such action. Upon receiving a notice
58 respecting a civil action, the FCC shall have the right:

59 (a) To intervene in such action;

60 (b) Upon so intervening, to be heard on all matters arising therein; and

61 (c) To file petitions for appeal.

62 (3) Any civil action brought under this section in a district court of the United
63 States may be brought in the district wherein the defendant is found or is an inhabitant or
64 transacts business or wherein the violation occurred or is occurring, and process in such
65 cases may be served in any district in which the defendant is an inhabitant or wherever the
66 defendant may be found.

67 (4) For purposes of bringing any civil action under this section, nothing in this
68 section shall prevent the attorney general from exercising the powers conferred on himself
69 or herself by the laws of this state to conduct investigations or to administer oaths or
70 affirmations or to compel the attendance of witnesses or the production of documentary
71 and other evidence.

72 (5) Nothing contained in this section shall prohibit an authorized state official from
73 proceeding in state court on the basis of an alleged violation of any general civil or criminal
74 statute of this state.

75 6. This section shall apply only to the extent not preempted by federal law.

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