

CHAPTER 55

PUBLIC UTILITIES

HOUSE BILL 01-1061

BY REPRESENTATIVE(S) Young, Alexander, Borodkin, Boyd, Coleman, Crane, Garcia, Hodge, Jahn, Larson, Lee, Mace, Marshall, Plant, Romanoff, Sinclair, Stafford, Vigil, and Williams S.;
also SENATOR(S) Phillips, Fitz-Gerald, Lamborn, and Perlmutter.

AN ACT

CONCERNING THE PROHIBITION OF UNAUTHORIZED CHARGES FROM A TELECOMMUNICATIONS PROVIDER.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. Part 1 of article 15 of title 40, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

40-15-113. Unauthorized charge for services - repeal. (1) A PROVIDER OF TELECOMMUNICATIONS SERVICES SHALL NOT ENGAGE IN THE FOLLOWING ACTIVITIES:

(a) CHARGING A CUSTOMER FOR GOODS OR SERVICES WITHOUT THE CUSTOMER'S AUTHORIZATION;

(b) ADDING CHARGES FOR GOODS OR SERVICES TO THE CUSTOMER'S BILL WITHOUT THE CUSTOMER'S AUTHORIZATION; OR

(c) WHEN PROVIDING BILLING SERVICES FOR A TELECOMMUNICATIONS PROVIDER, KNOWINGLY OR RECKLESSLY PARTICIPATING IN CHARGING OR BILLING A CUSTOMER FOR GOODS OR SERVICES WITHOUT THE CUSTOMER'S AUTHORIZATION TO ADD SUCH GOODS OR SERVICES TO THE CUSTOMER'S BILL; EXCEPT THAT, IN ACCORDANCE WITH FEDERAL LAW, THIS PARAGRAPH (c) SHALL NOT APPLY TO A PROVIDER OF WIRELESS SERVICES.

(2) A CUSTOMER IS NOT LIABLE FOR AN AMOUNT CHARGED IN VIOLATION OF THIS SECTION.

(3) THE COMMISSION SHALL MAINTAIN AND KEEP AVAILABLE DATA ON THE INCIDENCE OF COMPLAINTS IN VIOLATION OF THIS SECTION.

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

SECTION 2. Effective date. This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution; except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

Approved: March 23, 2001