

State of South Dakota

SEVENTY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 1999

400C0867

SENATE BILL NO. 238

Introduced by: The Committee on State Affairs at the request of the Governor

1 FOR AN ACT ENTITLED, An Act to authorize the Public Utilities Commission to regulate
2 certain telecommunications services.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That chapter 49-31 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 The telecommunications provider of any customer may not be changed without the telephone
7 service subscriber's authorization. The telephone service subscriber's authorization shall be
8 evidenced either by a written authorization signed by the customer or by the use of an
9 independent third-party verification company which complies with the provisions of section 2
10 of this Act, or by any other means authorized by the Public Utilities Commission.

11 Section 2. That chapter 49-31 be amended by adding thereto a NEW SECTION to read as
12 follows:

13 If an independent third-party verification company obtains a subscriber's oral confirmation
14 regarding a change of a designated telecommunications company for interexchange or local
15 exchange telecommunications service, the third-party verification shall include:

16 (1) A statement that the purpose of the call is to verify the subscriber's intent to switch
17 to the newly requested telecommunications company. The newly requested

1 interexchange or local telecommunications company shall be clearly identified to the
2 subscriber. Reference to use of another telecommunications company's network or
3 facilities, if stated, shall be secondary in nature to the prominent identification of the
4 telecommunications company which will be providing service and setting the rates for
5 the subscriber's service;

6 (2) Confirmation that the person whose authorization for a telecommunications company
7 change is being verified is the subscriber on the account or a person authorized by the
8 subscriber to make decisions regarding the telephone account on behalf of the
9 subscriber, whether that subscriber is an individual person or a business;

10 (3) Verification data unique to the subscriber such as the subscriber's date of birth; and

11 (4) The name and toll-free telephone number of the newly requested telecommunications
12 company.

13 The third-party verification company shall electronically record, in its entirety, the telephone
14 call that confirms the subscriber's change of a designated telecommunications company. The
15 electronic recording shall be retained by the third-party verification company for twelve months.

16 Section 3. That chapter 49-31 be amended by adding thereto a NEW SECTION to read as
17 follows:

18 The penalty for a nonauthorized telephone service subscriber switching or billing shall be free
19 telephone service for all the telephone services offered by the violating telecommunications
20 company from the date of unauthorized switching or billing by the telecommunications company
21 for all of the telephone services subscribers in South Dakota for a period of sixty days.

22 Section 4. That chapter 49-31 be amended by adding thereto a NEW SECTION to read as
23 follows:

24 For the purpose of this Act, the term, telephone service subscriber, means a person who
25 contracts with a telecommunications company for telecommunications services.