

State of South Dakota

SEVENTY-NINTH SESSION
LEGISLATIVE ASSEMBLY, 2004

347J0605

SENATE BILL NO. 82

Introduced by: Senators Knudson, Abdallah, de Hueck, and Moore and Representatives
Cutler, Engels, Kraus, and Williamson

1 FOR AN ACT ENTITLED, An Act to require prior notice of automatic renewal dates in certain
2 telecommunications contracts.

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 Any telecommunications company having a contract with a subscriber for any retail
7 telecommunications service that has a term of one year or more and that contains a provision
8 requiring the subscriber to take any action to avoid automatic renewal of the contract, shall give
9 prior written notice to the subscriber of the action that the subscriber must take to avoid
10 automatic renewal. The telecommunications company shall give notice to the subscriber not less
11 than thirty and not more than sixty days before the date of the required action. The notice shall
12 inform the subscriber in clear, plain language what action the subscriber must take to avoid
13 renewal and the date by which the subscriber must take such action. If the company fails to give
14 the notice required by this section, the automatic renewal provision may not be enforced against
15 the subscriber, and the subscriber may terminate the contract at will following expiration of the



1 original term without incurring any liability or penalty for early termination.