

State of South Dakota

EIGHTIETH
LEGISLATIVE ASSEMBLY, 2005

400L0295 **SENATE COMMERCE COMMITTEE ENGROSSED NO.**
SB 20 - 01/14/2005

Introduced by: The Committee on State Affairs at the request of the Public Utilities
Commission

1 FOR AN ACT ENTITLED, An Act to prohibit a mobile telecommunications service provider
2 from including a subscriber's telephone number in a wireless directory assistance service
3 database without the subscriber's authorization.

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

5 Section 1. That § 49-31-1 be amended by adding thereto NEW SUBDIVISIONS to read as
6 follows:

7 "Mobile telecommunications service," any commercially available interconnected mobile
8 phone service that provides access to the public switched telephone network through mobile
9 communications devices employing radio wave technology to transmit calls;

10 "Wireless telephone number information," the telephone number, electronic address, and
11 any other identifying information by which a calling party may reach a subscriber of mobile
12 telecommunications service, and that is assigned by a mobile telecommunications service
13 provider to a subscriber, and includes the subscriber's name and address.

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



1 No provider of mobile telecommunications service, or any direct or indirect affiliate or agent
2 of a provider, may include the wireless telephone number information of a South Dakota
3 subscriber in a wireless directory assistance service database or publish, sell, or otherwise
4 disseminate the contents of a wireless directory assistance service database unless:

5 (1) The mobile telecommunications service provider provides a conspicuous separate
6 notice to the subscriber informing the subscriber of the right not to be listed in a
7 wireless directory assistance service; and

8 (2) The mobile telecommunications services provider obtains express prior authorization
9 for listing from the subscriber, separate from any authorization obtained to provide
10 such subscriber with mobile telecommunications service, or any calling plan or
11 service associated with the mobile telecommunications service, and the authorization
12 has not been subsequently withdrawn.

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

15 No person may charge a subscriber for making the choice to not be listed in a wireless
16 directory assistance database or for removing the subscriber's mobile telecommunications
17 service telephone number from a wireless directory assistance database at the subscriber's
18 request.