

AN ACT

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

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

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

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

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

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

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

- (1) The mobile telecommunications service provider provides a conspicuous separate notice to the subscriber informing the subscriber of the right not to be listed in a wireless directory assistance service; and
- (2) The mobile telecommunications services provider obtains express prior authorization for

listing from the subscriber, separate from any authorization obtained to provide such subscriber with mobile telecommunications service, or any calling plan or service associated with the mobile telecommunications service, and the authorization has not been subsequently withdrawn.

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

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

An Act to prohibit a mobile telecommunications service provider from including a subscriber's telephone number in a wireless directory assistance service database without the subscriber's authorization.

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I certify that the attached Act originated in the

SENATE as Bill No. 20

Secretary of the Senate

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President of the Senate

Attest:

Secretary of the Senate

Speaker of the House

Attest:

Chief Clerk

Senate Bill No. 20
File No. _____
Chapter No. _____

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Received at this Executive Office this ____ day of _____ ,

20____ at _____ M.

By _____
for the Governor

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The attached Act is hereby approved this _____ day of _____ , A.D., 20__

Governor

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STATE OF SOUTH DAKOTA,
ss.

Office of the Secretary of State

Filed _____ , 20____
at _____ o'clock __ M.

Secretary of State

By _____
Asst. Secretary of State