

Fifty-ninth
Legislative Assembly
of North Dakota

Introduced by

Representative Skarphol

1 A BILL for an Act to create and enact a new section to 49-21 of the North Dakota Century
2 Code, relating to mobile telecommunications carriers.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1.** A new section to chapter 49-21 of the North Dakota Century Code is
5 created and enacted as follows:

6 **Mobile telecommunications billing errors.** If a customer complains within sixty days
7 of the billing for a call to a mobile telecommunications company about the quality of service of a
8 particular call made on a wireless telephone the mobile telecommunications company shall
9 credit the customer any unit of billing debited as a result of that call or that call in combination
10 with other calls within thirty days of the complaint. The exclusive procedure for a wireless
11 mobile telecommunications company to contest the complaint is through bringing an action in
12 district court and proving by clear and convincing evidence that there was reasonable quality of
13 service for the call in question. If the mobile telecommunications company does not carry the
14 burden of proof, the company is subject to general and special damages and shall pay the cost
15 of litigation and attorneys' fees for the defendant.