

**HOUSE BILL NO. 1093**

Introduced by

Industry, Business and Labor Committee

(At the request of the Public Service Commission)

1 A BILL for an Act to amend and reenact subsections 1 and 3 of section 49-21-02.4 of the North  
2 Dakota Century Code, relating to unauthorized charges in telecommunications service and  
3 providers.

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

5 **SECTION 1. AMENDMENT.** Subsections 1 and 3 of section 49-21-02.4 of the North  
6 Dakota Century Code are amended and reenacted as follows:

- 7 1. A telecommunications company shall comply with the provision of title 47, Code of  
8 Federal Regulations, part 64, subpart k, in effect on January 1, 2001, regarding  
9 changes in a subscriber's selection of a provider of telecommunications service.  
10 The commission shall enforce the provisions of title 47, Code of Federal  
11 Regulations, part 64, subpart k, in effect on January 1, 2001.
- 12 3. If the commission finds an emergency exists that requires ex parte action, the  
13 commission may issue a cease and desist order without prior notice against a  
14 telecommunications company that the commission has reason to believe is in  
15 violation of this section or title 47, Code of Federal Regulations, part 64, subpart k,  
16 in effect on January 1, 2001. The cease and desist order must be:
- 17 a. Directed against the telecommunications company's marketing of  
18 telecommunications service, not the company's provision of service to current  
19 customers;
- 20 b. Accompanied by service on the telecommunications company of a  
21 commission order opening an investigation or a formal complaint regarding  
22 the company's compliance with this section; and

- 1 c. Accompanied by service on the telecommunications company of a notice of
- 2 opportunity to be heard on the cease and desist order within fifteen days of
- 3 issuance of the cease and desist order.