

CHAPTER 68—H.F.No. 1123

An act relating to telecommunications; establishing the practices of slamming and loading as consumer fraud; providing penalties and remedies; making permanent the requirement to disclose local telecommunications service options; amending Minnesota Statutes 1996, sections 237.121; 237.16, subdivision 5; 237.5799; and 237.66, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 325F.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 1996, section 237.121, is amended to read:

237.121 PROHIBITED PRACTICES.

(a) A telephone company or telecommunications carrier may not do any of the following with respect to services regulated by the commission:

(1) upon request, fail to disclose in a timely and uniform manner information necessary for the design of equipment and services that will meet the specifications for interconnection;

(2) intentionally impair the speed, quality, or efficiency of services, products, or facilities offered to a consumer under a tariff, contract, or price list;

(3) fail to provide a service, product, or facility to a consumer other than a telephone company or telecommunications carrier in accordance with its applicable tariffs, price lists, or contracts and with the commission's rules and orders;

(4) refuse to provide a service, product, or facility to a telephone company or telecommunications carrier in accordance with its applicable tariffs, price lists, or contracts and with the commission's rules and orders;

(5) impose restrictions on the resale or shared use of its services or network functions, provided that:

(i) it may require that residential service may not be resold as a different class of service; and

(ii) the commission may prohibit resale of services it has approved for provision for not-for-profit entities at rates less than those offered to the general public; or

(6) provide telephone service to a person acting as a telephone company or telecommunications carrier if the commission has ordered the telephone company or telecommunications carrier to discontinue service to that person.

(b) A telephone company or telecommunications carrier may not violate a provision of section 325F.693, with regard to any of the services provided by the company or carrier.

Sec. 2. Minnesota Statutes 1996, section 237.16, subdivision 5, is amended to read:

Subd. 5. **REVOCATION AND TEMPORARY SUSPENSION.** Any certificate of authority may, after notice of hearing and a hearing, be revoked or temporarily suspended by the commission, in whole or in part, for: the failure of its holder to furnish reasonably adequate telephone service within the area or areas determined and defined in the

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certificate of authority; failure to meet the terms and conditions of its certificate; or intentional violation of the commission's rules or orders; or intentional violation of any applicable state or federal law relating to the provision of telephone or telecommunications services.

Sec. 3. Minnesota Statutes 1996, section 237.5799, is amended to read:

237.5799 EXPIRATION.

Sections 237.58, 237.59, 237.60, 237.61, 237.62, 237.625, 237.63, 237.64, 237.65, 237.66, and 237.68 expire on August 1, 1999.

Sec. 4. Minnesota Statutes 1996, section 237.66, is amended by adding a subdivision to read:

Subd. 1b. LOADING. (a) Except as provided in paragraph (b) or (c), a telephone company or telecommunications carrier providing local service shall not charge a telephone service subscriber as defined in section 325F.692 for a telephone or telecommunications service that is not required by the commission to be offered and for which the subscriber did not explicitly contract.

(b) If a charge is assessed on a per use basis for a service described in paragraph (a), the charge shall be applied as a credit to the subscriber's next monthly bill, if the subscriber notifies the telephone company or telecommunications carrier that the subscriber did not utilize the service or did not authorize the utilization of the service.

(c) A telephone company or telecommunications carrier that receives a notification from a telephone service subscriber under paragraph (b) shall inform the subscriber of the ability to block the services from future use by the subscriber, and shall block the services from future use by the subscriber, if the subscriber so requests. If a subscriber requests that the carrier or company not block the service or later requests to have the block lifted, the subscriber shall be responsible for charges caused by the future utilization of that service. The carrier or company may not charge a recurring fee for blocking the service.

Sec. 5. [325F.693] FRAUDULENT TELEPHONE SERVICES; SLAMMING.

Subdivision 1. DEFINITIONS. (a) For the purposes of this section, a "telephone service subscriber" means a person who contracts with a telephone company for telephone services or a telecommunications company for telecommunications services.

(b) The definitions contained in chapter 237 apply to this section.

Subd. 2. SLAMMING DEEMED CONSUMER FRAUD. (a) It is fraud under section 325F.69 to request a change in a telephone service subscriber's local exchange or interexchange carrier without the subscriber's verified consent.

(b) A telephone service subscriber may employ the remedies provided in section 237.66 for violations of paragraph (a). Section 8.31 may also be employed to remedy violations of paragraph (a).

(c) For the purposes of paragraph (a):

(1) the consent of the telephone service subscriber may be verified utilizing any method that is consistent with federal law or regulation;

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(2) compliance with applicable federal law and regulation, or state law and rule, whichever is more stringent, is a complete defense to an allegation of consumer fraud under paragraph (a); and

(3) it is the responsibility of the company or carrier requesting a change in a telephone service subscriber's company or carrier to verify that the subscriber has authorized the change. A telephone company or telecommunications carrier providing local exchange service who has been requested by another telephone company or telecommunications carrier to process a change in a subscriber's carrier is only liable under this section if it knowingly participates in processing a requested change that is unauthorized.

Nothing in this section shall be construed to change a telephone company's or telecommunications carrier's obligations under section 237.66.

Sec. 6. EFFECTIVE DATE.

Sections 1 to 5 are effective the day following final enactment.

Presented to the governor April 28, 1997

Signed by the governor April 29, 1997, 2:22 p.m.

CHAPTER 69—S.F.No. 652

An act relating to human services; establishing a task force to study treatment options for autism.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. AUTISM ADVISORY TASK FORCE.

Subdivision 1. ESTABLISHMENT. The commissioner of human services and the commissioner of children, families, and learning shall establish a task force to study the treatment of autism. The task force shall consist of providers, advocates, and consumers of services to children affected by autism. The terms and compensation of the members shall be as described under Minnesota Statutes, section 15.059, subdivision 6.

Subd. 2. DUTIES. The advisory task force shall meet on a regular basis to study the following:

- (1) the spectrum of autistic disorders;
- (2) treatment options for autism, including behavioral therapy, and outcome data on these treatment options;
- (3) the role of the schools, appropriate state agencies, and counties in providing services to children with autism;
- (4) funding flexibility options for services to children with autism, including the use of state funds to provide behavioral therapy; and

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