

HOUSE BILL No. 4963

June 17, 1991, Introduced by Reps. Bartnik, Harder, Anthony, Yokich, Byrum, Wozniak, Weeks, Olshove, Nye, Hoffman, Stopczynski, Trim, Munsell, Gnodtke, Middaugh, Strand, DeMars, Dobronski, Pitoniak and Muxlow and referred to the Committee on Public Utilities.

A bill to regulate audiotext telephone services; to provide for blocking and notice of charges; to require certain acts by telephone companies; to provide for certain remedies; and to prescribe penalties.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. As used in this act:

2 (a) "Audiotext services" means various electronic communica-
3 tions products and services that enable users to send or receive
4 information by interacting with a voice processing system via a
5 telephone connection. Audiotext services include, but are not
6 limited to, all 900 prefix telephone services for information
7 retrieval, messaging, and conferencing. Audiotext services do
8 not include electronic communications for the purpose of
9 conducting financial transactions.

1 (b) "Person" means an individual, corporation, partnership,
2 association, governmental unit, or any other legal entity.

3 (c) "Telephone provider" means a provider of local exchange
4 telephone service within a geographic area described in maps,
5 tariffs, or rate schedules that are filed with the Michigan
6 public service commission.

7 Sec. 2. (1) Before providing an audiotext service in this
8 state, an audiotext provider shall provide in writing to each
9 telephone provider in this state the complete name, address, and
10 telephone number of the audiotext provider and a short descrip-
11 tion of the audiotext service to be offered, including the
12 charges to be imposed for the service.

13 (2) The information required by subsection (1) shall be pro-
14 vided annually on October 1 and at the time a service is newly
15 established, changed, or added.

16 Sec. 3. Before connecting or otherwise providing an audio-
17 text service to a potential user, the audiotext provider shall
18 notify the user in an introductory voice message that specifies,
19 clearly and at an audible volume, the rate, charge, or fee
20 required to receive the service and that the charges will appear
21 on the user's telephone bill. At the end of the voice message,
22 the service shall not be provided unless the user has affirma-
23 tively indicated, either by voice or electronically, that the
24 user wants to proceed with the service.

25 Sec. 4. (1) A telephone provider shall notify each of its
26 customers of the right or option of having access through their
27 telephone line to audiotext services blocked.

1 (2) A telephone provider shall not charge a customer a fee
2 or other cost for blocking access to audiotext services.

3 Sec. 5. (1) A telephone provider shall separately list all
4 completed audiotext service calls on its customer's telephone
5 bill. The listing shall include the type or title of the service
6 provided.

7 (2) Upon request and at no cost to the customer, the tele-
8 phone provider shall provide the name and address of an audiotext
9 provider itemized on the customer's bill.

10 Sec. 6. (1) A customer shall have the option of voiding any
11 unauthorized audiotext charges that appear on the billing pursu-
12 ant to section 5.

13 (2) Notice to the customer of his or her right to void unau-
14 thorized audiotext charges shall appear on the billing
15 statement.

16 Sec. 7. A telephone provider shall not disconnect telephone
17 service to a customer due to nonpayment of audiotext charges.

18 Sec. 8. (1) An audiotext provider who violates this act is
19 responsible for a civil infraction and may be liable for a civil
20 fine of not more than \$5,000.00.

21 (2) Each call completed by an audiotext provider in viola-
22 tion of this act shall be treated as a separate offense under
23 subsection (1).

24 (3) The prosecuting attorney for the county in which the
25 violation occurred may bring a civil action in a court of compe-
26 tent jurisdiction to enforce this act.