

HOUSE RESEARCH

Bill Summary

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Section

1 [325.696] Minnesota Wireless Telephone Consumer Protection Act.

Subd. 1. Definitions.

Subd. 2. Required disclosures. Requires wireless carriers to provide to customers, at the time the service is sold:

- a coverage map indicating where service is provided and where roaming or additional charges would apply, and to make such maps available to all customers and on its website;
- disclosure of the price for the service, including the monthly access fee, initiation fee, roaming charges, charges for exceeding the minutes allowance, etc.;
- clear disclosure, in at least 12-point font, that the price may change if a contract provision so allows, and the amount of any early termination fee; and
- prior to execution of a written contract, a written copy of the contract terms.

Specifies how the wireless carrier must provide copies of provisions regarding early termination fees and allowing the wireless carrier to change the price of service during the minimum term of the contract for written and electronic contracts and those entered via the Internet, telephone and through an interactive voice system.

Subd. 3. Billing; listing of government taxes and fees. Requires bills for wireless

services to list government-mandated charges and taxes in a separate section of the bill, and to include a simple explanation of each charge.

Subd. 4. Billing for third-party goods and services. Prohibits a wireless carrier from including a charge from a third party on a customer's bill unless the customer has provided prior express authorization to do so via a letter of agency, oral authorization followed by an opt-in through e-mail, or an affirmative authorization through the internet, e-mail or by text message. These methods are defined in the bill in greater detail.

If a customer disputes a third - party charge, the customer is not obliged to pay it unless the wireless carrier or third party provides evidence of the customer's prior express authorization. The customer may dispute charges for up to six months after they appear on a bill. If no evidence of prior authorization is produced, the wireless carrier must remove the charge and credit the customer.

Subd. 5. Extensions in contract length. Requires disclosure to a customer if a request for a new good or service will result in an extension of the minimum contract term.

Subd. 6. Remedies; penalties; enforcement. Specifies that a violation of this section is a violation of a law referred to in section 8.31, subdivision 1.

Subd. 7. Severability. Provides that each provision in this section is separable. If any provision is found to be contrary to law and unenforceable, the remaining provisions are enforceable under section 645.20

2 Repealer. Repeals Minnesota Statutes 2006, section 325F.695, which contains wireless consumer protection provisions that were found by the courts to violate federal law.

3 Effective date. Provides that section 1 is effective August 1, 2007, except that subdivision 4 is effective 180 days after enactment.