

105TH CONGRESS
2D SESSION

H. R. 3798

To amend section 258 of the Communications Act of 1934 to protect telephone consumers against “cramming” of charges on their telephone bills.

IN THE HOUSE OF REPRESENTATIVES

MAY 6, 1998

Mr. MENENDEZ introduced the following bill; which was referred to the Committee on Commerce

A BILL

To amend section 258 of the Communications Act of 1934 to protect telephone consumers against “cramming” of charges on their telephone bills.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Telephone Billing Fair-
5 ness Act”.

6 **SEC. 2. REQUIREMENT TO PROVIDE BLOCKING UPON SUB-**
7 **SCRIBER REQUEST.**

8 Section 258 of the Communications Act of 1934 (47
9 U.S.C. 258) is amended—

1 (1) in the section heading, by inserting “**AND**
2 **REQUIRED BLOCKING OF BILLING FOR CER-**
3 **TAIN SERVICES**” before the period at the end; and

4 (2) by adding at the end the following new sub-
5 section:

6 “(c) BLOCKING OF CERTAIN CHARGES UPON CUS-
7 TOMER REQUEST.—

8 “(1) IN GENERAL.—The Commission shall, by
9 regulation, require each provider of telephone ex-
10 change service and each provider of telephone toll
11 service, and any billing agent for any such provider,
12 upon the oral or written request of a subscriber to
13 the provider, to block from inclusion in the subscrib-
14 er’s telephone bill any charges for any products or
15 services that are not telephone exchange or toll serv-
16 ice for the subscriber provided by such provider.

17 “(2) CONSENT TO INCLUSION.—The regulations
18 under this subsection shall provide that, notwith-
19 standing a request for blocking made in accordance
20 with the requirement under paragraph (1), a pro-
21 vider of telephone exchange or telephone toll service
22 shall include in a subscriber’s telephone bill the
23 charges for specific products or services that would
24 otherwise be blocked from such inclusion, but only—

25 “(A) upon—

1 “(i) a written request that (I) re-
2 quests the inclusion of the charges for spe-
3 cific products or services provided by a
4 specific provider, and (II) is signed and
5 dated by the subscriber; and

6 “(ii) a subsequent oral confirmation
7 by the subscriber of the accuracy of the in-
8 formation provided under subclauses (I)
9 and (II) of clause (i); or

10 “(B) upon—

11 “(i) a request made orally by the sub-
12 scriber that includes the information de-
13 scribed in subclause (I) of clause (i); and

14 “(ii) a subsequent written confirma-
15 tion meeting the requirements under sub-
16 paragraph (A).

17 “(3) NOTICE TO SUBSCRIBERS OF AVAILABIL-
18 ITY OF BLOCKING.—The Commission shall require
19 each provider of telephone exchange service and each
20 provider of telephone toll service, and any billing
21 agent for any such provider, to include in each sub-
22 scriber’s telephone bill for such service, not less fre-
23 quently than once each calendar quarter, a state-
24 ment informing the subscriber that the customer
25 may—

1 “(A) obtain blocking of charges from inclu-
2 sion in the subscriber’s telephone bill as pro-
3 vided in paragraph (1);

4 “(B) obtain such blocking by making an
5 oral or written request to the provider; and

6 “(C) may, despite obtaining blocking, con-
7 sent to the inclusion in the subscriber’s bill of
8 specific charges for services that otherwise
9 would be blocked by making an oral or written
10 request to the provider, which will be subject to
11 separate confirmation by the provider.

12 “(4) TELEPHONE TOLL SERVICE.—For pur-
13 poses of this subsection, the term ‘telephone toll
14 service’ does not include—

15 “(A) commercial mobile services; and

16 “(B) pay-per-call services, as such term is
17 defined in section 228(i).”.

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