

56:8-89

LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 2001 **CHAPTER:** 330
NJSA: 56:8-89 (BPU to enforce new FCC rules)
BILL NO: S1358 (Substituted for A2842)
SPONSOR(S): Vitale and Cardinale
DATE INTRODUCED: May 22, 2000
COMMITTEE: **ASSEMBLY:** Telecommunications and Utilities
 SENATE: Commerce
AMENDED DURING PASSAGE: No
DATE OF PASSAGE: **ASSEMBLY:** January 3, 2002
 SENATE: September 21, 2000
DATE OF APPROVAL: January 5, 2002

FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL (Original version of bill enacted)

S1358

SPONSORS STATEMENT: (Begins on page 3 of original bill) Yes

COMMITTEE STATEMENT: **ASSEMBLY:** Yes

SENATE: Yes

FLOOR AMENDMENT STATEMENTS: No

LEGISLATIVE FISCAL ESTIMATE: No

A2842

SPONSORS STATEMENT: (Begins on page 3 of original bill) Yes

Bill and Sponsors Statement identical to S1358

COMMITTEE STATEMENT: **ASSEMBLY:** Yes

Identical to Assembly Statement for S1358

SENATE: No

FLOOR AMENDMENT STATEMENTS: No

LEGISLATIVE FISCAL ESTIMATE: No

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: No

FOLLOWING WERE PRINTED:

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REPORTS: No

HEARINGS: No

NEWSPAPER ARTICLES: No

SENATE, No. 1358

STATE OF NEW JERSEY 209th LEGISLATURE

INTRODUCED MAY 22, 2000

Sponsored by:

Senator JOSEPH F. VITALE

District 19 (Middlesex)

Senator GERALD CARDINALE

District 39 (Bergen)

Co-Sponsored by:

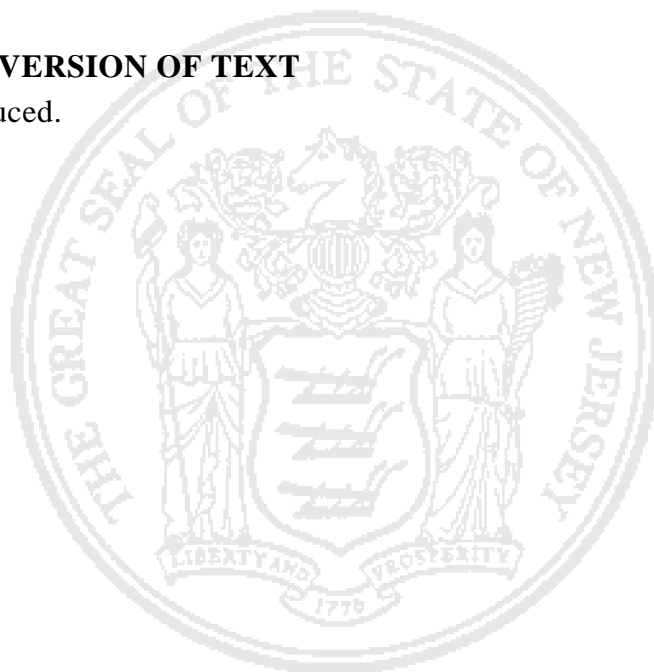
Senators Singer, Inverso, Furnari, Baer, O'Toole and Assemblywoman Heck

SYNOPSIS

Requires BPU to enforce new FCC rules on slamming and to institute actions against telecommunications service providers pursuant to agreement with FCC.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 1/4/2002)

1 AN ACT concerning enforcement actions relating to unauthorized
2 changes in telecommunications service providers and amending
3 P.L.1998, c.82.

4

5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7

8 1. Section 4 of P.L.1998, c.82 (C.56:8-89) is amended to read as
9 follows:

10 4. The board, in consultation with the director, shall adopt rules
11 and regulations relating to changes in telecommunications service
12 providers that are consistent with federal law, rules and regulations
13 and which, among other requirements, shall establish procedures for
14 a customer to confirm a change in a telecommunications service
15 provider made by another telecommunications service provider on
16 behalf of the customer, establish procedures by which the new
17 telecommunications service provider shall notify a customer of a
18 change in a telecommunications service provider, and set forth
19 methods for enforcing those rules and regulations, pursuant to an
20 agreement with the Federal Communications Commission. Such
21 agreement shall include a provision which requires the board to issue
22 an order citing the provision of federal law, rules or regulations of
23 which a telecommunications service provider is in violation, citing the
24 action which constituted the violation, ordering abatement of the
25 violation, and giving notice to the telecommunications service provider
26 of the right to a hearing on the matters contained in the order,
27 whenever it appears to the board that the telecommunications service
28 provider has violated any provision of federal law, rule or regulation
29 relating to a change in telecommunications service providers where the
30 customer of the telecommunications service provider is a resident of
31 this State.

32 (cf: P.L.1998, c.82, s.4)

33

34 2. The board shall promulgate, in accordance with the
35 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
36 seq.), such rules and regulations as may be necessary to effectuate the
37 purposes of this act, including the methods for enforcing those rules
38 and regulations pursuant to an agreement with the Federal
39 Communications Commission.

40

41 3. This act shall take effect 90 days after enactment.

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

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STATEMENT

This bill requires the New Jersey Board of Public Utilities ("board") to enter into an agreement with the Federal Communications Commission ("FCC") to set forth methods by which the board is to enforce federal laws, rules and regulations prohibiting the deceptive practice known as "slamming," which is the act of changing a customer's telephone service provider by another telecommunications service provider-- whether for long-distance, or regional toll or local calls-- without the customer's permission.

On April 13, 2000, the FCC adopted new, tougher rules to combat the illegal practice of slamming. Slamming has been the single largest source of complaints to the FCC over the last several years. The FCC also decided on that date that state regulatory commissions are better equipped than the industry to resolve slamming disputes and directed that those disputes be brought before state commissions, or the FCC in cases where a state has not elected to administer these rules.

So far, over thirty-five state commissions have come forward to express their willingness to take the lead in administering anti-slamming rules, and the FCC accepted their proposals. The board has yet to agree to resolve slamming disputes under the new federal anti-slamming rules.

SENATE COMMERCE COMMITTEE

STATEMENT TO

SENATE, No. 1358

STATE OF NEW JERSEY

DATED: SEPTEMBER 14, 2000

The Senate Commerce Committee reports favorably Senate Bill No. 1358.

This bill requires the New Jersey Board of Public Utilities to enter into an agreement with the Federal Communications Commission to set forth methods by which the board is to enforce federal laws, rules and regulations prohibiting the deceptive practice known as "slamming," which is the act of changing a customer's telephone service provider by another telecommunications service provider-- whether for long-distance, or regional toll or local calls-- without the customer's permission.

ASSEMBLY TELECOMMUNICATIONS AND UTILITIES
COMMITTEE

STATEMENT TO

SENATE, No. 1358

STATE OF NEW JERSEY

DATED: MAY 17, 2001

The Assembly Telecommunications and Utilities Committee reports favorably Senate Bill No. 1358.

As reported, this bill requires the New Jersey Board of Public Utilities to enter into an agreement with the Federal Communications Commission to set forth methods by which the board is to enforce federal laws, rules and regulations prohibiting the deceptive practice known as "slamming," which is the act of changing a customer's telephone service provider by another telecommunications service provider-- whether for long-distance, or regional toll or local calls-- without the customer's permission.

ASSEMBLY, No. 2842

STATE OF NEW JERSEY 209th LEGISLATURE

INTRODUCED OCTOBER 12, 2000

Sponsored by:

Assemblyman KEVIN J. O'TOOLE

District 21 (Essex and Union)

Assemblywoman ROSE MARIE HECK

District 38 (Bergen)

SYNOPSIS

Requires BPU to enforce new FCC rules on slamming and to institute actions against telecommunications service providers pursuant to agreement with FCC.

CURRENT VERSION OF TEXT

As introduced.



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16 behalf of the customer, establish procedures by which the new
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8 customer's telephone service provider by another telecommunications
9 service provider-- whether for long-distance, or regional toll or local
10 calls-- without the customer's permission.

11 On April 13, 2000, the FCC adopted new, tougher rules to combat
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13 source of complaints to the FCC over the last several years. The FCC
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22 anti-slamming rules.

ASSEMBLY TELECOMMUNICATIONS AND UTILITIES
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2842

STATE OF NEW JERSEY

DATED: MAY 17, 2001

The Assembly Telecommunications and Utilities Committee reports favorably Assembly Bill No. 2842.

As reported, this bill requires the New Jersey Board of Public Utilities ("board") to enter into an agreement with the Federal Communications Commission to set forth methods by which the board is to enforce federal laws, rules and regulations prohibiting the deceptive practice known as "slamming," which is the act of changing a customer's telephone service provider by another telecommunications service provider-- whether for long-distance, or regional toll or local calls-- without the customer's permission.

P.L. 2001, CHAPTER 330, *approved January 5, 2002*
Senate, No. 1358

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So far, over thirty-five state commissions have come forward to express their willingness to take the lead in administering anti-slamming rules, and the FCC accepted their proposals. The board has yet to agree to resolve slamming disputes under the new federal anti-slamming rules.

Requires BPU to enforce new FCC rules on slamming and to institute actions against telecommunications service providers pursuant to agreement with FCC.

CHAPTER 330

AN ACT concerning enforcement actions relating to unauthorized changes in telecommunications service providers and amending P.L.1998, c.82.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. Section 4 of P.L.1998, c.82 (C.56:8-89) is amended to read as follows:

C.56:8-89 Rules, regulations relative to telecommunications service providers.

4. The board, in consultation with the director, shall adopt rules and regulations relating to changes in telecommunications service providers that are consistent with federal law, rules and regulations and which, among other requirements, shall establish procedures for a customer to confirm a change in a telecommunications service provider made by another telecommunications service provider on behalf of the customer, establish procedures by which the new telecommunications service provider shall notify a customer of a change in a telecommunications service provider, and set forth methods for enforcing those rules and regulations, pursuant to an agreement with the Federal Communications Commission. Such agreement shall include a provision which requires the board to issue an order citing the provision of federal law, rules or regulations of which a telecommunications service provider is in violation, citing the action which constituted the violation, ordering abatement of the violation, and giving notice to the telecommunications service provider of the right to a hearing on the matters contained in the order, whenever it appears to the board that the telecommunications service provider has violated any provision of federal law, rule or regulation relating to a change in telecommunications service providers where the customer of the telecommunications service provider is a resident of this State.

C.56:8-89.1 Rules, regulations to enforce FCC agreement.

2. The board shall promulgate, in accordance with the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), such rules and regulations as may be necessary to effectuate the purposes of this act, including the methods for enforcing those rules and regulations pursuant to an agreement with the Federal Communications Commission.

3. This act shall take effect 90 days after enactment.

Approved January 5, 2002.