



## 2003 ASSEMBLY BILL 980

March 11, 2004 - Introduced by Representatives BERCEAU, MILLER, SCHNEIDER, MUSSER, HINES and ALBERS. Referred to Committee on Rules.

1     **AN ACT** *to amend* 100.264 (2) (intro.); and *to create* 100.53 of the statutes;  
2             **relating to:** regulating mobile telephone service providers and providing a  
3             penalty.

---

### *Analysis by the Legislative Reference Bureau*

This bill regulates mobile telephone service providers. The bill defines a mobile telephone service provider as a person who is authorized by the Federal Communications Commission to provide commercial mobile service. Generally, commercial mobile service is wireless telephone service.

This bill requires every mobile telephone service provider to bill its customers in one second increments and to conspicuously disclose in its contracts whether the provider charges different rates for peak and nonpeak periods and, if so, to identify the periods designated as peak and nonpeak periods. The bill also prohibits mobile telephone service providers from engaging in certain conduct including charging a customer for service by rounding up to the nearest minute, charging a customer for a call that is placed but not completed, charging a customer additional fees or higher rates than those specified in the customer's contract for services, and selling a mobile telephone to a customer that prevents the customer from using the mobile telephone with a different mobile telephone service provider that offers services that are compatible with that mobile telephone.

This bill also specifies that a customer may terminate a contract for mobile telephone service at any time during the first 30 days of the contract if the customer notifies the provider during that period that the calling area range or the quality of

**ASSEMBLY BILL 980**

the reception is inadequate. Under the bill, if the customer cancels the contract during that first 30 days for one of these reasons, the mobile telephone service provider may not charge the customer a cancellation fee.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

---

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

1           **SECTION 1.** 100.264 (2) (intro.) of the statutes is amended to read:

2           100.264 (2) SUPPLEMENTAL FORFEITURE. (intro.) If a fine or a forfeiture is  
3 imposed on a person for a violation under s. 100.16, 100.17, 100.18, 100.182, 100.183,  
4 100.20, 100.205, 100.207, 100.21, 100.30 (3), 100.35, 100.44 ~~or~~, 100.46, or 100.53, or  
5 a rule promulgated under one of those sections, the person shall be subject to a  
6 supplemental forfeiture not to exceed \$10,000 for that violation if the conduct by the  
7 defendant, for which the violation was imposed, was perpetrated against an elderly  
8 person or disabled person and if the court finds that any of the following factors is  
9 present:

10           **SECTION 2.** 100.53 of the statutes is created to read:

11           **100.53 Mobile telephone service providers. (1)** In this section:

12           (a) “Commercial mobile service” has the meaning given in 47 USC 332 (d).

13           (b) “Mobile telephone service provider” means a person that is authorized by  
14 the federal communications commission to provide commercial mobile service.

15           **(2)** A mobile telephone service provider shall do all of the following:

16           (a) Bill its customers for commercial mobile service provided to the customer  
17 in one second increments.

**ASSEMBLY BILL 980**

1 (b) Conspicuously disclose in every contract for commercial mobile service  
2 whether the mobile telephone service provider charges different rates for peak and  
3 nonpeak periods and, if so, identify the periods designated as peak and nonpeak  
4 periods.

5 **(3)** A mobile telephone service provider may not do any of the following:

6 (a) Charge a customer for providing commercial mobile service, nor determine  
7 peak or nonpeak usage of that service, by rounding up to the nearest minute.

8 (b) Charge a customer for providing commercial mobile service if the customer  
9 places a call for such service and the call is not completed.

10 (c) Charge a customer additional fees or higher rates than specified in the  
11 customer's contract for commercial mobile service.

12 (d) Charge a customer a fee of more than \$100 to cancel a contract to provide  
13 commercial mobile service except as specified in sub. (4).

14 (e) Charge a customer late fees unless charges for commercial mobile service  
15 provided to the customer are more than 60 days past due.

16 (f) Sell, give, or provide to a customer, in connection with a contract for  
17 commercial mobile service, a mobile telephone that the customer is unable to use  
18 with a different mobile telephone service provider whose mobile telephone service is  
19 compatible with that mobile telephone.

20 **(4)** A customer who has entered into a contract with a mobile telephone service  
21 provider to provide commercial mobile service may terminate that contract within  
22 the first 30 days of the contract if the customer notifies the mobile telephone service  
23 provider during that period that the calling area range for the commercial mobile  
24 service or the quality of the commercial mobile service reception is inadequate. A  
25 mobile telephone service provider may not charge a customer a fee to terminate a

**ASSEMBLY BILL 980****SECTION 2**

1 contract under this subsection. Within 14 days after the customer terminates a  
2 contract under this subsection, the mobile telephone service provider shall refund to  
3 the customer any amounts paid to the mobile telephone service provider by the  
4 customer during those first 30 days other than any amounts owed by the customer  
5 for calls placed or received during that period.

6 (5) Upon the request of a customer, a mobile telephone service provider shall  
7 provide an itemized bill to the customer at no cost to the customer.

8 (6) The effect of this section may not be varied by any contract or agreement.  
9 Any contract or agreement purporting to do so is void and unenforceable to that  
10 extent only.

11 (7) A person who violates this section may be required to forfeit not less than  
12 \$500 nor more than \$5,000 or imprisoned in the county jail for not more than 6  
13 months, or both, for each violation.

14 (END)