

HOUSE BILL NO. 1323

Introduced by

Representatives Skarphol, Iverson, Kasper

1 A BILL for an Act to create and enact a new section to chapter 49-21 of the North Dakota
2 Century Code, relating to mobile telecommunications carriers.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1.** A new section to chapter 49-21 of the North Dakota Century Code is
5 created and enacted as follows:

6 **Mobile telecommunications billing credits.** If a customer complains about the quality
7 of service of a particular call made on a wireless telephone within sixty days of the billing for
8 that call to the mobile telecommunications company of that customer, the mobile
9 telecommunications company shall credit the customer any unit of billing debited as a result of
10 that call, or that call in combination with other calls, within thirty days of the complaint. The
11 exclusive remedy for a wireless mobile telecommunications company to contest the complaint
12 is through an action in district court and proving by clear and convincing evidence that there
13 was reasonable quality of service for the call in question. If the mobile telecommunications
14 company does not carry the burden of proof, the company is subject to general and special
15 damages and shall pay the cost of litigation and attorney's fees for the defendant. If the public
16 service commission finds that the provisions of this section have been violated by a mobile
17 telecommunications company and the company receives federal universal service funding for
18 the wireless telephone in question or wireless telephones that are similarly situated, then the
19 commission shall remove eligible telecommunications carrier status of the company for the area
20 in which these telephones are located.