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**HOUSE BILL NO. 989**

Offered January 9, 2002

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*A BILL to amend the Code of Virginia by adding a section numbered 56-479.2, relating to outdoor coin-operated telephones constituting a public nuisance; penalty.*

Patron—Hall (By Request)

Referred to Committee on Commerce and Labor

**Be it enacted by the General Assembly of Virginia:**

**1. That the Code of Virginia is amended by adding a section numbered 56-479.2 as follows:**

*§ 56-479.2. Removal of outdoor coin-operated telephones that constitute public nuisance; penalty.*

*A. The Commission may, by judgment entered after a hearing on notice duly served not less than thirty days before the date of the hearing, shall be authorized, upon finding that a circuit court of competent jurisdiction has found, pursuant to the provisions of Chapter 1 (§ 48-1 et seq.) of Title 48, that the existence or use of an outdoor coin-operated telephone equipment constitutes a public or common nuisance, to order the public service corporation that owns or provides dial tone to the outdoor coin-operated telephone equipment (i) to remove such equipment from the vicinity wherein its existence or use was found to constitute a public or common nuisance or (ii) to terminate dial tone or other service to such equipment.*

*B. Any public service corporation that is ordered to remove or terminate dial tone or other service to any outdoor coin-operated telephone equipment pursuant to subsection A shall remove or terminate dial tone or other service to such equipment within ten days following the effective date of such order.*

*C. Any public service corporation that fails to remove or terminate dial tone or other service to any outdoor coin-operated telephone equipment pursuant to an order of the Commission within the period specified in subsection B shall be subject to a fine, to be imposed in a proceeding before the Commission instituted for the purpose of determining whether there is any liability hereunder, of not less than \$100 and not in excess of \$500, together with the costs of the proceeding as adjudged by the Commission and as taxed by the clerk of the Commission according to law; and every day of any such failure may be deemed a separate offense.*

*D. Any proceeding under this section shall not prevent or preempt the right of any person to take any authorized action to abate a public or common nuisance pursuant to Chapter 1 (§ 48-1 et seq.) of Title 48.*

*E. The Commission may promulgate any rules or regulations necessary to implement the Commission's authority under this section.*

INTRODUCED

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