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HOUSE BILL NO. 429

Offered January 11, 2012

Prefiled January 10, 2012

A *BILL to amend and reenact § 56-479.3 of the Code of Virginia, relating to blocking third-party charges on telephone bills.*

Patron—Bulova

Referred to Committee on Commerce and Labor

Be it enacted by the General Assembly of Virginia:**1. That § 56-479.3 of the Code of Virginia is amended and reenacted as follows:**

§ 56-479.3. Authorization and verification for products, goods, and services to be billed on a telephone bill.

A. As used in this section, unless the context requires otherwise:

"Billing agent" means any entity that submits charges for products, goods, or services to the billing carrier on behalf of itself or any service provider.

"Billing carrier" means any telephone company that issues a telephone bill directly to customers.

"Service provider" means any entity that offers products, goods, and services to a customer and that directly or indirectly charges to or collects from a customer's bill received from a billing carrier an amount for such products, goods, or services.

B. This section does not apply to (i) products, goods, or services offered by or bundled with the services of a telephone company or its affiliates; (ii) telephone calls that are customer initiated by dialing 1+, 0+, 0-, or 1010XXX or that a customer accepts as collect; or (iii) commercial mobile radio services.

C. No service provider or billing agent shall willfully (i) add products, goods, or services not authorized by any customer or (ii) charge or attempt to collect charges from any customer for any such products, goods, or services without the customer's authorization.

D. A billing carrier shall not include in a customer's bill charges for products, goods, or services submitted by a service agent or service provider if the customer has delivered a written, oral, or electronic communication requesting the billing carrier to block the inclusion of such charges in the customer's bill.

E. A customer is not liable for an amount charged through a billing carrier (i) by a service provider or a billing agent without the authorization of the customer or (ii) after the billing carrier has received and processed a written, oral, or electronic request from the customer that the billing carrier block the billing in the customer's bill of such charges for products, goods, or services, provided that the billing carrier's processing of such a request shall be completed not more than 30 days following receipt of the request.

F. A service provider or billing agent shall obtain verification of a customer's authorization before submitting charges for products, goods, or services directly or indirectly to the billing carrier. The verification may be in written, oral, or electronic form and shall be verified by an independent third party. The service provider shall retain the verification for a minimum of two years.

G. A billing carrier shall not enter into an agreement to bill for any charges for products, goods, or services for a service provider or billing agent (i) unless that agreement requires the service provider or billing agent to comply with subsection F or (ii) to a customer who has delivered a written, oral, or electronic communication requesting the billing carrier not to bill the customer for any charges for products, goods, or services submitted by a service agent or service provider.

INTRODUCED

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