

ASSEMBLY BILL

No. 2244

Introduced by Assembly Member Wayne

February 20, 2002

An act to amend Section 17538.9 of the Business and Professions Code, relating to prepaid calling cards and services.

LEGISLATIVE COUNSEL'S DIGEST

AB 2244, as introduced, Wayne. Prepaid calling cards and services.

Existing law regulates the sale of prepaid calling cards and services. Existing law requires a company that sells prepaid calling cards and services to make certain disclosures regarding fees and surcharges, and regulates the manner in which these fees are imposed.

This bill would add to the list of specified fees and charges that are required to be disclosed and would impose additional restrictions on the manner in which these fees and charges are imposed.

Existing law requires a company that sells prepaid calling cards and services to maintain a toll-free customer service number.

This bill would impose additional requirements in operating and maintaining the company's customer service number.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 17538.9 of the Business and Professions
- 2 Code is amended to read:
- 3 17538.9. (a) For the purposes of this section:

(1) “Company” refers to any entity providing prepaid calling services to the public using its own or a resold telecommunications network.

(2) “Prepaid calling services” or “services” refers to any prepaid telecommunications service that allows consumers to originate calls through an access number and authorization code, whether manually or electronically dialed.

(3) “Prepaid calling card” or “card” means any object containing an access number and authorization code that enables a consumer to use prepaid calling services. It does not include any object of that type used for promotional purposes.

(4) “Cellular telephone services” means facilities-based, commercial mobile telephone services.

(b) The following standards and requirements for consumer disclosure and services shall apply ~~with respect~~ to the advertising and sale of prepaid calling cards and prepaid calling services:

(1) Any advertisement of the price, rate, or unit value in connection with the sale of prepaid calling *cards or* services shall include a disclosure of any geographic limitation to the advertised price, rate, or unit value, as well as a disclosure of any additional surcharges, call setup charges, or fees *or surcharges* applicable to the advertised price, rate, or unit value.

(2) The following information shall be legibly printed on the card:

(A) The name of the company.

(B) A toll-free customer service number.

(C) A toll-free network access number, if required to access service.

(D) The authorization code, if required to access service.

(E) The expiration date or policy, if applicable, except where paragraph (6) applies.

(3) The company shall print legibly on the card or packaging, and the vendor shall make available in a prominent area at the point of sale of the prepaid calling card or prepaid calling services, the following information *in both English and Spanish*:

(A) Any surcharges, *taxes*, or fees, including monthly *or other* periodic fees, *maintenance fees*, per-call access *or connection* fees, *surcharges for calls made on pay telephones*, *surcharges for international calls*, or surcharges for the first minute *or other*

1 *period* of use that may be applicable to the use of the prepaid
2 calling card or prepaid calling services within the United States.

3 (B) ~~Whether there are~~ Any additional or different prices, rates,
4 or unit values applicable to international usage of the prepaid
5 calling card or prepaid calling services.

6 (C) The minimum charge per call, such as a three-minute
7 minimum charge, if any.

8 (D) The charge for calls that do not connect, if any.

9 (E) The definition of the term “unit,” if applicable.

10 (F) The billing decrement.

11 (G) The name of the company.

12 (H) The recharge policy, if any.

13 (I) The refund policy, if any.

14 (J) The expiration policy, if any.

15 (K) The 24-hour customer service toll-free telephone number
16 required in paragraph (4).

17 (4) ~~Each~~ A company shall establish and maintain a toll-free
18 customer service telephone number ~~with a live operator to answer~~
19 ~~incoming calls 24 hours a day, seven days a week, through which~~
20 ~~consumers may lodge relevant complaints and through which the~~
21 ~~following information may be obtained by consumers that shall~~
22 ~~meet the following requirements:~~

23 (A) ~~All~~ A live operator shall answer incoming calls to the
24 telephone number 24 hours a day, seven days a week.

25 (B) The telephone number shall have sufficient capacity and
26 staffing to accommodate a reasonably anticipated number of calls
27 without incurring a busy signal or undue wait.

28 (C) The telephone number shall allow consumers to lodge
29 complaints and obtain information on all of the following:

30 (i) All rates, surcharges, and fees.

31 ~~(B)~~

32 (ii) The company’s recharge, refund, and expiration policies.

33 ~~(C)~~

34 (iii) The balance of use *available* in the consumer’s account, if
35 applicable.

36 A company offering prepaid cellular telephone services shall be
37 deemed to be in compliance with the requirements of this
38 paragraph if, when a request for information is made outside of
39 normal business hours, that company provides the information
40 requested on the next business day.

1 (5) ~~Each~~—A company that issues prepaid calling cards or
2 prepaid calling services shall provide a refund to any purchaser of
3 a prepaid calling card or prepaid calling services if the network
4 services associated with that card or services fail to operate in a
5 commercially reasonable manner. The refund shall be in an
6 amount not less than the value remaining on the card or in the form
7 of a replacement card, and shall be provided to the consumer
8 within 60 days from the date of receipt of notification from the
9 consumer that the card has failed to operate in a commercially
10 reasonable manner.

11 (6) Cards without a specific expiration date or policy printed on
12 the card, and with a balance of service remaining, shall be
13 considered active for a minimum of one year from the date of
14 purchase, or if recharged, from the date of the last recharge.

15 (7) In the case of prepaid calling cards or services utilized at a
16 payphone, the company may provide voice prompt notification of
17 any applicable payphone surcharges, in lieu of providing notice of
18 surcharges as required by paragraph (1) and by subparagraph (A)
19 of paragraph (3), *provided that the company provides users of*
20 *prepaid calling cards or services with reasonable time to terminate*
21 *the call after notification of applicable payphone surcharges*
22 *without incurring any charge for the call.*

23 (8) *A company shall maintain access numbers with sufficient*
24 *capacity to accommodate a reasonably anticipated number of*
25 *calls without incurring a busy signal or undue delay.*

26 (9) *A company may not impose any fee or surcharge that is not*
27 *disclosed as required by this section or that exceeds the amount*
28 *disclosed by the company.*

29 (10) *A company may not impose a fee or surcharge if the*
30 *consumer is not connected to the number called.*

31 ~~(e) This section shall become operative on July 1, 1999.~~

