

Introduced by Senator Lieu

December 19, 2012

An act to amend, *repeal, and add* Sections ~~741, 742, and 742.3~~ 741 and 742 of the Public Utilities Code, relating to telecommunications.

LEGISLATIVE COUNSEL'S DIGEST

SB 50, as amended, Lieu. Telecommunications: pay telephones.

(1) Existing law requires an owner or operator of a coin-activated telephone for public use, which is not a telephone corporation and which provides operator-assisted services by other than a telephone corporation tariffed to provide those services, to post on or near the telephone equipment certain information, as prescribed.

~~This~~

Commencing January 1, 2015, this bill would apply this provision to a ~~credit or debit card-activated~~ telephone available for public use that accepts any form of payment, and would require the owners or operators of these telephones to post additional information and to comply with additional specified requirements.

(2) Existing law requires the Public Utilities Commission to adopt and enforce operating requirements, as prescribed, for coin-activated and credit card-activated telephones available for public use owned or operated by corporations or persons other than telephone corporations.

~~This~~

Commencing January 1, 2015, this bill would apply this provision to ~~debit card-activated~~ telephones available for public use that accept any form of payment.

~~(3) Existing law requires the Public Utilities Commission to adopt and enforce, as prescribed, an operating requirement for coin-activated and credit card-activated telephones available for public use, whether owned by telephone corporations or persons other than telephone corporations, that requires every telephone to display a notice that surcharges may apply to operator-assisted and calling card calls.~~

~~This bill would apply this provision to debit card-activated telephones.~~

~~(4)~~

(3) Because the provisions of this bill would be a part of the Public Utilities Act and because a violation of an order or decision of the Public Utilities Commission implementing its requirements would be a crime, the bill would impose a state-mandated local program by creating a new crime.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

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

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

1 SECTION 1. Section 741 of the Public Utilities Code is
2 amended to read:

3 741. (a) Every owner or operator of coin-activated ~~or credit~~
4 ~~or debit card-activated~~ telephones available for public use, other
5 than a telephone corporation, which, as part of the service
6 furnished, provides operator-assisted services by other than a
7 telephone corporation having tariff schedules on file with the
8 commission providing for the furnishing of operator-assisted
9 services shall cause to be posted on or near the telephone
10 equipment so as to be easily seen by telephone customers all of
11 the following information:

12 (a)

13 (1) The name of the provider of operator-assisted services and
14 a toll-free telephone number for contacting that provider.

15 (b)

16 (2) The applicable charges for each available operator-assisted
17 service.

1 (e)

2 (3) That the provider of operator-assisted services will respond
3 to inquiries concerning the terms and conditions of any available
4 service.

5 (b) *This section shall remain in effect only until January 1, 2015,*
6 *and as of that date is repealed, unless a later enacted statute, that*
7 *is enacted before January 1, 2015, deletes or extends that date.*

8 SEC. 2. *Section 741 is added to the Public Utilities Code, to*
9 *read:*

10 741. (a) *Every owner or operator of telephones for public use,*
11 *other than a telephone corporation, that accept any form of*
12 *payment which, as part of the service furnished, provides*
13 *operator-assisted services by other than a telephone corporation*
14 *having tariff schedules on file with the commission providing for*
15 *the furnishing of operator-assisted services, shall cause to be*
16 *posted on or near the telephone equipment so as to be easily seen*
17 *by telephone customers all of the following information:*

18 (1) *The name of the provider of operator-assisted services and*
19 *a toll-free telephone number for contacting that provider.*

20 (2) *The applicable charges for each available operator-assisted*
21 *service.*

22 (3) *That the provider of operator-assisted services will respond*
23 *to inquiries concerning the terms and conditions of any available*
24 *service.*

25 (4) *That surcharges may apply to operator-assisted and*
26 *calling-card calls.*

27 (5) *That card-activated calls, calls activated by any other*
28 *payment device, or calls that may be charged to a card by giving*
29 *a card number to an operator may cost more than coin-activated*
30 *calls.*

31 (6) *The local rates for nonoperator-assisted calls.*

32 (b) *Every owner or operator of telephones available for public,*
33 *other than a telephone corporation, use that accept any form of*
34 *payment which, as part of service furnished, provides*
35 *operator-assisted services by other than a telephone corporation*
36 *having tariff schedules on file with the commission providing for*
37 *the furnishing of operator-assisted services shall:*

38 (1) *Identify itself, audibly and distinctly, to the consumer at the*
39 *beginning of each telephone call and before the consumer incurs*
40 *any charge for the call.*

1 (2) *Permit the consumer to terminate the telephone call before*
2 *the call is connected.*

3 (3) *At no charge, disclose to the consumer, immediately after*
4 *the number to be called is entered or given to an operator, a*
5 *quotation of its complete rates and charges for the call.*

6 (c) *This section shall become operative on January 1, 2015.*

7 ~~SEC. 2.~~

8 SEC. 3. Section 742 of the Public Utilities Code is amended
9 to read:

10 742. (a) The commission shall, by rule or order, adopt and
11 enforce operating requirements for coin-activated ~~or~~ and credit ~~or~~
12 ~~debit~~ card-activated telephones available for public use owned or
13 operated by corporations or persons other than telephone
14 corporations. These requirements shall include, but are not limited
15 to, all of the following:

16 (1) A requirement that the telephone corporation furnishing
17 service to the corporation or person owning or operating a
18 coin-activated or credit ~~or~~ ~~debit~~ card-activated telephone terminate
19 service for any violation of the commission’s rules or orders or of
20 this section, upon a determination by the commission that the
21 violation was a significant or repeated violation. Any determination
22 by the commission leading to a termination of service shall be
23 made in accordance with commission rules or orders adopted
24 pursuant to this subdivision.

25 (2) A requirement that every telephone permit a caller to be
26 connected with the operator personnel of any telephone corporation
27 authorized by the commission to operate within a service area by
28 dialing the numeral “0” and with the emergency services
29 switchboard reached by dialing the numerals “911” without
30 insertion of any coin.

31 (3) A requirement that every telephone contain instructions for
32 both local and long distance dialing, the name of the owner or
33 operator of the telephone, and the telephone number of that owner
34 or operator to which complaints can be made.

35 (4) A requirement that every telephone display its telephone
36 number or other identification number, as determined by the
37 commission, and the address at which the telephone is located, on
38 the telephone in a place where that information may be seen by a
39 person using the telephone.

1 (b) The commission shall require every telephone corporation
2 ~~which~~ *that* publishes a directory of subscribers to include in that
3 directory information comprising the substance of this section and
4 the rules and orders of the commission adopted pursuant to this
5 section.

6 (c) *This section shall remain in effect only until January 1, 2015,*
7 *and as of that date is repealed, unless a later enacted statute, that*
8 *is enacted before January 1, 2015, deletes or extends that date.*

9 *SEC. 4. Section 742 is added to the Public Utilities Code, to*
10 *read:*

11 *742. (a) The commission shall, by rule or order, adopt and*
12 *enforce operating requirements for telephones available for public*
13 *use that accept any form of payment and that are owned or*
14 *operated by corporations or persons other than telephone*
15 *corporations. These requirements shall include, but are not limited*
16 *to, all of the following:*

17 (1) *A requirement that the telephone corporation furnishing*
18 *service to the corporation or person owning or operating a*
19 *telephone that accepts any form of payment terminate service for*
20 *any violation of the commission's rules or orders or of this section,*
21 *upon a determination by the commission that the violation was a*
22 *significant or repeated violation. Any determination by the*
23 *commission leading to a termination of service shall be made in*
24 *accordance with commission rules or orders adopted pursuant to*
25 *this subdivision.*

26 (2) *A requirement that every telephone permit a caller to be*
27 *connected with the operator personnel of any telephone*
28 *corporation authorized by the commission to operate within a*
29 *service area by dialing the numeral "0" and with the emergency*
30 *services switchboard reached by dialing the numerals "911"*
31 *without insertion of any coin or without any other form of payment.*

32 (3) *A requirement that every telephone contain instructions for*
33 *both local and long distance dialing, the name of the owner or*
34 *operator of the telephone, and the telephone number of that owner*
35 *or operator to which complaints can be made.*

36 (4) *A requirement that every telephone display its telephone*
37 *number or other identification number, as determined by the*
38 *commission, and the address at which the telephone is located, on*
39 *the telephone in a place where that information may be seen by a*
40 *person using the telephone.*

1 (b) *The commission shall require every telephone corporation*
 2 *which publishes a directory of subscribers to include in that*
 3 *directory information comprising the substance of this section and*
 4 *the rules and orders of the commission adopted pursuant to this*
 5 *section.*

6 (c) *This section shall become operative on January 1, 2015.*

7 ~~SEC. 3.— Section 742.3 of the Public Utilities Code is amended~~
 8 ~~to read:~~

9 ~~742.3.— The commission shall, by rule or order, adopt and~~
 10 ~~enforce an operating requirement for coin-activated and credit or~~
 11 ~~debit card-activated telephones available for public use, whether~~
 12 ~~owned by telephone corporations or persons other than telephone~~
 13 ~~corporations, which requires that every telephone display a notice~~
 14 ~~that surcharges may apply to operator-assisted and calling card~~
 15 ~~calls. The required signage shall be phased in over a period of two~~
 16 ~~years beginning on January 1, 1993. A sticker with the necessary~~
 17 ~~notification may be used as an interim measure until January 1,~~
 18 ~~1995.~~

19 ~~SEC. 4.~~

20 *SEC. 5.* No reimbursement is required by this act pursuant to
 21 Section 6 of Article XIII B of the California Constitution because
 22 the only costs that may be incurred by a local agency or school
 23 district will be incurred because this act creates a new crime or
 24 infraction, eliminates a crime or infraction, or changes the penalty
 25 for a crime or infraction, within the meaning of Section 17556 of
 26 the Government Code, or changes the definition of a crime within
 27 the meaning of Section 6 of Article XIII B of the California
 28 Constitution.