

## ACT 225

H.B. NO. 2701

A Bill for an Act Relating to Telecommunication.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Chapter 269, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

**“§269- Changes in subscriber carrier selections; prior authorization required; penalties for unauthorized changes.** (a) No telecommunications carrier shall initiate a change in a subscriber’s selection or designation of a long-distance carrier without first receiving:

- (1) A letter of agency or letter of authorization;
- (2) An electronic authorization by use of a toll-free number;
- (3) An oral authorization verified by an independent third party; or
- (4) Any other prescribed authorization;

provided that the letter or authorization shall be in accordance with verification procedures that are prescribed by the Federal Communications Commission or the public utilities commission. For purposes of this section, “telecommunications carrier” does not include a provider of commercial mobile radio service as defined by 47 United States Code section 332(d)(1).

(b) Upon a determination that any telecommunications carrier has engaged in conduct that is prohibited in subsection (a), the public utilities commission shall order the carrier to take corrective action as deemed necessary by the commission and may subject the telecommunications carrier to administrative penalties pursuant to section 269-28. Any proceeds from administrative penalties collected under this section shall be deposited into the public utilities commission special fund.

The commission, if consistent with the public interest, may suspend, restrict, or revoke the registration, charter, or certificate of the telecommunications carrier, thereby denying, modifying, or limiting the right of the telecommunications carrier to provide service in this State.

(c) The commission shall adopt rules, pursuant to chapter 91, necessary for the purposes of this section. The commission may notify customers of their rights under these rules.”

SECTION 2. New statutory material is underscored.<sup>1</sup>

SECTION 3. This Act shall take effect upon its approval.

(Approved July 20, 1998.)

**Note**

1. Edited pursuant to HRS §23G-16.5.