

ENGROSSED HOUSE
BILL NO. 2166

BY: HILLIARD, LEIST, HAGER,
ROACH, SATTERFIELD,
PAULK, CULVER, NIEMI,
COLEMAN, GREENWOOD, POPE
and FALLIN of the HOUSE

and

ROBINSON of the SENATE

(OKLAHOMA CORPORATION COMMISSION - REGULATION
OF BILLING PRACTICES OF CERTAIN PAY-PER-CALL
SERVICES - AMENDMENT TO SECTIONS 18 THROUGH 34
OF ARTICLE IX OF THE OKLAHOMA CONSTITUTION -
EFFECTIVE DATE)

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 140.1 of Title 17, unless there
is created a duplication in numbering, reads as follows:

As used in this act:

1. "Person" means a natural person, corporation, trust,
partnership, incorporated or unincorporated association, or any
other legal entity;

2. "Pay-per-call service" means any passive, interactive,
polling, conference or other similar audiotext service that is
accessed through a seven- or ten-digit telephone number that is
provided for a charge to a caller through an exclusive telephone
number prefix or service access code;

3. "Information provider" means the person who provides the
information, prerecorded message, or interactive program for the

information delivery service. The information provider generally receives a portion of the revenue from the calls. This service does not include the medium for advertising information delivery service;

4. "Interactive program" means a pay-per-call program that allows callers to choose between options or to communicate with other callers;

5. "Sponsor" means an individual, corporation, association, partnership or other entity that sells a pay-per-call service and on whose behalf charges are billed, but shall not include a public utility regulated by the state or the Federal Communications Commission or an interexchange carrier which provides transport or billing and collection services for a pay-per-call service unless the public utility or interexchange carrier actually produces or promotes the pay-per-call service;

6. "Subscriber" means a customer of a local or long distance telephone service from which a pay-per-call service is accessed;

7. "Interexchange carrier" means an interexchange telecommunications company providing service within the state;

8. "Local exchange company" means a local exchange telephone company providing service within the state; and

9. "Adult entertainment" means any pay-per-call service that contains explicit references to conduct of a sexual nature in a manner designed to arouse an immoderate or unwholesome interest or desire.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 140.2 of Title 17, unless there is created a duplication in numbering, reads as follows:

The Corporation Commission shall prohibit any local exchange company or interexchange carrier from billing a subscriber on the subscriber's telephone bill for a pay-per-call service or interactive program whose message content contains:

1. Vulgar language, explicit or implicit descriptions of violence or sexual conduct, adult entertainment, or incitement to violence;

2. Inflammatory or demeaning portrayals of the race, religion, political affiliation, ethnicity, gender, sexual preference, or handicap of any individual or group; or

3. False, misleading or deceptive advertising.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 140.3 of Title 17, unless there is created a duplication in numbering, reads as follows:

A. An information provider that does business in this state shall not direct information delivery services to children under the age of twelve years unless the information provider complies with the following provisions:

1. Interactive calls where children under the age of twelve years can speak to other children under the age of twelve years are prohibited;

2. Programs directed to children under the age of twelve where the children are asked to provide their names, addresses, telephone numbers, or other identifying information are prohibited;

3. Advertisements for information delivery services that are directed to children under the age of twelve years must contain a visual disclosure, in the case of print and broadcast advertising, and audibly in the case of broadcast advertising, that clearly and conspicuously states that children under the age of twelve years must obtain parental consent before placing a call to the advertised number;

4. Program messages that encourage children under the age of twelve years to make increased numbers of calls in order to obtain progressively more valuable prizes, awards, or similarly denominated items are prohibited;

5. Advertisements for information delivery services that are directed to children under the age of twelve years must contain, in age-appropriate language, an accurate description of the services being provided. In the case of print advertising, the information must be clear and conspicuous and in the case of broadcast advertising, it must be clearly and conspicuously visually displayed and verbally disclosed in an audible, clear, articulated manner; and

6. Program messages that are directed to children under the age of twelve years that employ broadcast advertising where an electronic tone signal is emitted during the broadcast of the advertisement that automatically dials the program message are prohibited.

B. Every local exchange company or interexchange carrier providing billing and collection services for pay-per-call services doing business in this state shall remove pay-per-call service charges from the subscriber's bill upon complaint of the subscriber that the caller to the pay-per-call service was under the age of twelve years and the information provider failed to comply with the provisions of Section 3 of this act.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 140.4 of Title 17, unless there is created a duplication in numbering, reads as follows:

The Corporation Commission is authorized to adopt all reasonable and necessary rules and regulations to implement any powers and duties of the Commission pursuant to the provisions of this act.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 140.5 of Title 17, unless there is created a duplication in numbering, reads as follows:

If this act or any provision hereof is, or may be deemed to be, in conflict or inconsistent with any of the provisions of Section 18 through Section 34, inclusive, of Article IX of the Constitution of the State of Oklahoma, then, to the extent of any such conflicts or

inconsistencies, it is hereby expressly declared that this entire act and this section are amendments to and alterations of said section of the Constitution, as authorized by Section 35 of Article IX of said Constitution.

SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 140.6 of Title 17, unless there is created a duplication in numbering, reads as follows:

It is the intention of the Legislature that this act is an amendment to and alteration of Sections 18 through 34, inclusive, of Article IX of the Constitution of the State of Oklahoma, as authorized by Section 35 of Article IX of said Constitution.

SECTION 7. This act shall become effective September 1, 1992.

Passed the House of Representatives the 3rd day of March, 1992.

Speaker of the House of
Representatives

Passed the Senate the ____ day of _____, 1992.

President of the Senate