

SHORT TITLE: Cable television service; providing for cable television delinquency fees. Emergency.

STATE OF OKLAHOMA

2nd Session of the 46th Legislature (1998)

SENATE BILL NO. 1106

By: Wright

AS INTRODUCED

An Act relating to cable television service;

prohibiting certain fees charged for delinquent payments under certain circumstances; providing for certain delinquency fees under specified conditions; stating applicability of section of law; providing for codification; and declaring an emergency.

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 22-107.2 of Title 11, unless there is created a duplication in numbering, reads as follows:

A. A fee may not be imposed upon consumers for any delinquent payment for sale of cable television services unless all of the following apply:

1. For all contracts entered into on or after January 1, 1997, at or before the time the consumer enters into the initial agreement for services, the consumer is provided with written notice that it is the policy of the seller to impose a fee on delinquent accounts;

2. At least ten (10) days prior to the date a fee is imposed, the consumer is warned in writing on the face of the notice, of the late fee that will be imposed if the delinquency is not paid. This notice shall specify the date on or after which a late fee will be charged;

3. The consumer's invoice specifies a due date that is not earlier than the 10th day of the service period for which the invoice is issued;

4. The fee is assessed no earlier than twenty-seven (27) days after the due date specified on the invoice; and

5. The fee is assessed on a delinquent balance of more than ten dollars (\$10.00).

B. A delinquency fee charged in a cable television transaction which is not in excess of seven dollars and fifty cents (\$7.50) and which is imposed in accordance with the procedures set forth in this section shall be valid. The delinquency fee may not exceed seven dollars and fifty cents (\$7.50), unless the Federal Communications Commission expressly requires late fees to be fully included when setting benchmark rates applicable to a cable television operator. If this requirement is imposed by the Federal Communications Commission, then the maximum delinquency fee charged by the cable television provider shall be one and one-half percent (1 1/2%) of the delinquent amount in the relevant franchise areas for as long as late fees are fully included in benchmark rates.

C. A fee which is not in excess of twenty dollars (\$20.00) and is in addition to the delinquency fee shall also be valid in a cable television consumer service transaction if the service provider sends an employee or contractor to the customer's residence in order to collect payment or disconnect service. Such fee must be imposed in accordance with the provisions set forth in subsection A of this section.

D. This section shall apply to the sale or lease of cable television services on or after January 1, 1997. This section shall not apply to late fee practices reflected in cable television service contracts that are specified in or subject to a court order or judgement entered on or before January 1, 1997, unless expressly provided to the contrary in that order or judgement.

SECTION 2. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

46-2-2213

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