

AN ACT

ENTITLED, An Act to revise the procedures to confirm a change of designated telecommunications companies.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. That § 37-30A-9 be amended to read as follows:

37-30A-9. Notwithstanding the provisions of § 37-30A-8, no person may change the designated telecommunications company as defined in § 49-31-1(9) which is providing service to a consumer without the written confirmation in the form of a letter of agency from that consumer or confirmation by a third-party verification company. The third-party verification company shall meet each of the following criteria:

- (1) Be independent of the telecommunications company that seeks to provide the consumer's new service;
- (2) Not be directly managed, controlled, or directed, or owned wholly or in part, by the telecommunications company that seeks to provide the consumer's new service;
- (3) Operate from facilities physically separate from those of the telecommunications company that seeks to provide the consumer's new service; and
- (4) Not derive commissions or compensation based upon the number of sales confirmed.

The telecommunications company that seeks to provide the consumer's new service shall connect the consumer by telephone to the third-party verification company or shall arrange for the third-party verification company to call the consumer to confirm the change. The third-party verification company shall obtain the consumer's oral confirmation regarding the change and shall record that confirmation. The record shall include the information requested by the third-party verification company and the consumer's responses. The third-party verification company shall retain that record for twelve months. The record shall be available to the Public Utilities Commission and to the consumer at no cost. No information obtained from the consumer may be used for marketing

purposes. If the telecommunications company or a third-party verification company acting on its behalf fails to comply with these third-party verification provisions, the Public Utilities Commission may revoke the telecommunication company's certificate of authority and may impose a civil fine of not less than two hundred dollars nor more than one thousand dollars for each offense. It is a violation of this Act for any person to make such an unauthorized change.

An Act to revise the procedures to confirm a change of designated telecommunications companies.

=====

I certify that the attached Act
originated in the

HOUSE as Bill No. 1173

Chief Clerk
=====

Speaker of the House

Attest:

Chief Clerk

President of the Senate

Attest:

Secretary of the Senate

House Bill No. 1173

File No. _____

Chapter No. _____

=====

Received at this Executive Office
this ____ day of _____ ,

19__ at ____ M.

By _____
for the Governor
=====

The attached Act is hereby
approved this _____ day of
_____, A.D., 19__

Governor
=====

STATE OF SOUTH DAKOTA,

ss.

Office of the Secretary of State

Filed _____, 19__
at _____ o'clock __ M.

Secretary of State

By _____
Asst. Secretary of State