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SENATE BILL 83

56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023

INTRODUCED BY

Bill Tallman

AN ACT

RELATING TO TELECOMMUNICATIONS; AMENDING THE CRAMMING AND
SLAMMING ACT; CLARIFYING THE DEFINITION OF "CRAMMING".

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. Section 63-9G-2 NMSA 1978 (being Laws 1999,
Chapter 138, Section 2) is amended to read:

"63-9G-2. DEFINITIONS.--As used in the Cramming and
Slamming Act:

A. "billing aggregator" means a person that bills
customers for goods or services provided by others and that
uses a local exchange company as a billing agent;

B. "commission" means the public regulation
commission;

C. "cramming" means:

(1) charging a customer for telecommunications

1 services that were not authorized by the customer;

2 (2) charging a customer for goods or services
3 that are not telecommunications services and were not
4 authorized by the customer; or

5 (3) using a sweepstakes, contest or drawing
6 entry form as authorization to change or add telecommunications
7 services to a customer's telephone bill;

8 D. "customer" means the person whose name appears
9 on the telephone bill or the person responsible for payment of
10 the telephone bill;

11 E. "local exchange company" means a provider that
12 provides local exchange services;

13 F. "local exchange services" means the transmission
14 of two-way interactive communications within a local exchange
15 area described in maps, tariffs or rate schedules filed with
16 the commission where local exchange rates apply;

17 G. "provider" means a telephone company,
18 transmission company, telecommunications common carrier,
19 telecommunications company, cellular or other wireless
20 telecommunications service company, cable television service,
21 telecommunications reseller, billing aggregator or other person
22 that bills directly or has a billing contract with a local
23 exchange company;

24 H. "slamming" means:

25 (1) changing a customer's provider without the

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1 customer's authorization; or

2 (2) using a sweepstakes, contest or drawing
3 entry form as authorization to change a customer's provider;
4 and

5 I. "telecommunications service" means the
6 transmission of signs, signals, writings, images, sounds,
7 messages, data or other information of any nature by wire,
8 radio, lightwaves or other electromagnetic means or goods and
9 services related to the transmission of information that are
10 provided by the provider; provided that a good or service that
11 does not meet the definition of "telecommunications service"
12 does not become a telecommunications service merely because it
13 is bundled with a telecommunications service for marketing or
14 billing purposes."

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