To improve billing disclosures to cellular telephone consumers.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 29, 2010

Mr. Udall of New Mexico introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To improve billing disclosures to cellular telephone consumers.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Cell Phone Bill Shock Act of 2010”.

SEC. 2. FINDINGS.

Congress finds the following:

(1) A recent survey conducted by the Federal Communications Commission found that 1 out of 6 consumers who subscribe to commercial mobile service has experienced “bill shock”, which is the sudden
increase in the monthly bill of a subscriber even though the subscriber has not made changes to their monthly service plan.

(2) Most consumers who experience bill shock do not receive notification from their provider of commercial mobile service when the consumer is about to exceed the monthly limit of voice minutes, text message, or data megabytes.

(3) Most consumers who experience bill shock do not receive notification from their provider of commercial mobile service that their bill has suddenly increased.

(4) Prior to the enactment of this Act, a provider of commercial mobile service was under no obligation to notify a consumer of such services of a pending or sudden increase in their bill for the use of such service.

(5) Section 332 of the Communications Act of 1934 (47 U.S.C. 332) requires that all commercial mobile service provider charges, practices, classifications, and regulations “for or in connection with” interstate communications service be just and reasonable, and authorizes the Federal Communications Commission to promulgate rules to implement this requirement.
SEC. 3. NOTIFICATION OF CELL PHONE USAGE LIMITS; SUBSCRIBER CONSENT.

(a) Definition.—In this section, the term “commercial mobile service” has the same meaning as in section 332(d)(1) of the Communications Act of 1934 (47 U.S.C. 332(d)(1)).

(b) Notification of Cell Phone Usage Limits.—The Federal Communications Commission shall promulgate regulations to require that a provider of commercial mobile service shall—

(1) notify a subscriber when the subscriber has used 80 percent of the monthly limit or prepaid amount of voice minutes, text messages, or data megabytes agreed to in the commercial mobile service contract of the subscriber;

(2) send, at no charge to the subscriber, the notification described in paragraph (1) in the form of a voice message, text message, or email; and

(3) ensure that such text message or email is not counted against the monthly limit or prepaid amount for voice minutes, text messages, or data megabytes of the commercial mobile service contract of the subscriber.

(e) Subscriber Consent.—The Federal Communications Commission shall promulgate regulations to require a provider of commercial mobile service shall—
(1) obtain the consent of a subscriber who received a notification under subsection (b) to use voice, text, or data services in excess of the monthly limit of the commercial mobile service contract of the subscriber before the provider may allow the subscriber to use such excess services; and

(2) allow a subscriber to, at no cost, provide the consent required under paragraph (1) in the form of a voice message, text message, or email that is not counted against the monthly limit or prepaid amount for voice minutes, text messages, or data megabytes of the commercial mobile service contract of the subscriber.