ASSEMBLY, No. 1634

STATE OF NEW JERSEY

214th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2010 SESSION

Sponsored by:
Assemblywoman CONNIE WAGNER
District 38 (Bergen)
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District 37 (Bergen)

SYNOPSIS

Provides that if wireless telephone service subscriber terminates service, any applicable subscriber termination fee is to be prorated.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel



1	AN ACT	concerning	certain	commercial	mobile	service	provider
2	contra	cts and supp	lementin	ng P.L.1960,	c.39 (C.:	56:8-1 et	seq.).

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BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

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1. As used in this act:

8 "Wireless telephone service" or "service" means "commercial 9 mobile service" as "commercial mobile service" is defined in 47 U.S.C. s.332 (d), but shall not include any paging or messaging 10 services utilizing facilities that are licensed by the Federal 11 12 Communications Commission including, but not limited to, narrowband personal communications services described in Subpart 13 D (commencing with Section 24.100) of Part 24 of Title 47 of the 14 15

Code of Federal Regulations, as in effect on October 1, 2004.

"Wireless telephone service provider" or "provider" means any person providing wireless telephone service.

"Wireless telephone service subscriber" or "subscriber" means any person to whom wireless telephone service is provided or any person who has agreed with a provider to pay obligations arising from the provision of wireless telephone service to another person.

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2. If a wireless telephone service provider charges a fee to any of its subscribers in the event a subscriber cancels an agreement with the provider and thereby terminates service with the provider, the subscriber shall pay a prorated fee based on the portion of the amount of time remaining in the service agreement.

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3. A violation of this act shall be an unlawful practice subject to the penalties applicable pursuant to section 1 of P.L.1966, c.39 (C.56:8-13) and section 2 of P.L.1999, c.129 (C.56:8-14.3).

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4. This act shall take effect immediately and shall be applicable to new contracts entered into, or existing contracts renewed, on or after the effective date of this act.

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STATEMENT

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This bill provides that if a wireless telephone service provider charges a fee to any of its subscribers in the event a subscriber cancels an agreement with the provider and thereby terminates service with the provider, the subscriber shall pay a prorated fee to the provider based on the portion of the amount of time remaining in the service agreement.

45 Any violation of the provisions of this bill is to be deemed an 46 unlawful practice subject to the penalties applicable pursuant to section 1 of P.L.1966, c.39 (C.56:8-13) and section 2 of P.L.1999, 47 48 c.129 (C.56:8-14.3).