

2020 Regular Session

HOUSE BILL NO. 379

BY REPRESENTATIVE DESHOTEL

TELECOMMUNICATIONS: Provides with respect to the assignment of wireless cell phone numbers to minors

1 AN ACT

2 To enact Chapter 60 of Title 51 of the Louisiana Revised Statutes of 1950, to be comprised  
3 of R.S. 51:3171 through 3176, relative to wireless telecommunication service; to  
4 provide certain definitions; to provide relative to the assignment of wireless cell  
5 phone numbers to minors; to provide relative to the disclosure of rights; to prohibit  
6 discrimination; to provide for recovery of damages; and to provide for related  
7 matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. Chapter 60 of Title 51 of the Louisiana Revised Statutes of 1950,  
10 comprised of R.S. 51:3171 through 3176, is hereby enacted to read as follows:

11 CHAPTER 60. LOUISIANA WIRELESS CELL PHONE NUMBER ASSIGNMENT

12 FOR MINORS PROTECTION ACT

13 §3171. Short title

14 This Chapter shall be known and may be cited as the "Louisiana Wireless  
15 Cell Phone Number Assignment for Minors Protection Act".

16 §3172. Legislative findings

17 The legislature hereby finds and declares that:

18 (1) As required by the Federal Communications Commission's rules, the  
19 North American Numbering Plan Administrator allocates a limited quantity of  
20 wireless cell phone numbers to wireless telecommunication service providers,

1 usually in blocks of one thousand numbers. The commission's rules require wireless  
2 telecommunication service providers to ensure the efficient use of wireless cell  
3 phone numbers by reassigning a wireless cell phone number to a new consumer after  
4 it is disconnected by the prior holder of the number.

5 (2) Wireless telecommunication service providers routinely recycle millions  
6 of wireless cell phone numbers each year by returning the wireless cell phone  
7 numbers to the providers' aging numbers pool for a period of time following  
8 disconnection and by subsequently reassigning the wireless cell phone numbers to  
9 new consumers. When a consumer is assigned a wireless cell phone number that  
10 was previously assigned to the prior holder of the number, businesses and other  
11 callers frequently do not learn of the reassignment right away and may inadvertently  
12 call and reach the new consumer rather than the prior holder of the number.

13 (3) As wireless telecommunication service devices are increasingly used to  
14 communicate in emergency situations, to access the internet, and to purchase goods  
15 and services, reassigning and reusing wireless cell phone numbers can open the door  
16 to a variety of unexpected phone calls and charges.

17 (4) Consumers obtaining wireless telecommunication service for use by a  
18 minor need the opportunity to avoid wireless cell phone numbers that remained  
19 unused for only short periods of time to lessen the likelihood that a minor will  
20 receive calls that are intended for the prior holder of the number and of unwanted  
21 charges.

22 §3173. Definitions

23 As used in this Chapter, the following terms have the meaning ascribed to  
24 them in this Section unless the context clearly indicates otherwise:

25 (1) "Consumer" means an individual or entity who is a Louisiana resident  
26 to whom a wireless service account or wireless cell phone number has been assigned  
27 by a wireless telecommunication service provider, other than an account or wireless  
28 cell phone number associated with prepaid wireless telecommunication service.

1           (2) "Minor" means an individual who has not attained the age of eighteen  
2           years.

3           (3) "Wireless telecommunication service" means offers, rate plans, options,  
4           wireless services, billing services, applications, programs, products, software, or  
5           devices, as well as any other product or service offered or provided by wireless  
6           telecommunication service providers to consumers.

7           (4) "Wireless telecommunication service provider" means an entity that  
8           supplies wireless telecommunication services to users of wireless devices through  
9           radio frequency signals rather than through end-to-end wire connection.

10           §3174. Assignment of wireless cell phone numbers to minors

11           A. No wireless telecommunication service provider shall reassign a wireless  
12           cell phone number to a consumer who indicates that the wireless telecommunication  
13           service is for use by a minor without first informing the consumer of how recently  
14           the wireless cell phone number was assigned to a prior holder of the number.

15           B. If the wireless cell phone number was used by a prior holder of the  
16           number within the last three hundred sixty-five days of the wireless cell phone  
17           number reassignment, the consumer shall have the right to request a different  
18           wireless cell phone number and to be assigned a wireless cell phone number that has  
19           not been used by a prior holder of the number within the last three hundred sixty-five  
20           days.

21           §3175. Notice of rights; disclosure; prohibition

22           A. When obtaining wireless telecommunication services for use by a minor,  
23           a consumer shall have all of the following rights:

24           (1) To request that a wireless telecommunication service provider inform the  
25           consumer if the wireless cell phone number that will be assigned to the minor was  
26           assigned to a prior holder of the number within the last three hundred sixty-five days  
27           of the date of the wireless cell phone number reassignment.

28           (2) To request a different wireless cell phone number when the wireless cell  
29           phone number that will be assigned to the minor was assigned to a prior holder of the

1        number within the last three hundred sixty-five days of the date of the wireless cell  
2        phone number reassignment.

3                (3) To be assigned a wireless cell phone number that has not been assigned  
4        to a previous holder of the number within the last three hundred sixty-five days of  
5        the date of the reassignment of the wireless cell phone number at no additional  
6        charge.

7                B. In order to comply with this Chapter, a wireless telecommunication  
8        service provider shall disclose to a consumer the consumer's rights pursuant to this  
9        Chapter on the wireless telecommunication service provider's internet website or in  
10       any other form that is reasonably accessible to consumers.

11               C. A wireless telecommunication service provider shall not discriminate  
12       against a consumer because the consumer exercised any of the consumer's rights  
13       pursuant to this Chapter, including but not limited to the following:

14               (1) Charging the consumer to change to a different wireless cell phone  
15       number.

16               (2) Denying goods or services to the consumer.

17               (3) Charging different prices or rates for goods or services, including through  
18       the use of discounts or other benefits or imposing penalties.

19               (4) Providing a different level or quality of goods or services to the  
20       consumer.

21        §3176. Recovery of damages

22               A. A consumer who suffers any ascertainable loss of money as a result of a  
23       wireless telecommunication service provider's failure to implement the provisions  
24       of this Chapter may bring an action to recover actual damages.

25               B. In the event that damages are awarded pursuant to this Section, the court  
26       shall award to the consumer bringing such action reasonable attorney fees and costs.

27               C. Upon a finding by the court that an action pursuant to this Section is  
28       groundless and brought in bad faith or for purposes of harassment, the court may  
29       award to the defendant reasonable attorney fees and costs.

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**DIGEST**

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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HB 379 Original

2020 Regular Session

Deshotel

**Abstract:** Regulates the assignment of wireless cell phone numbers by wireless telecommunication service providers to consumers when the service is for use by a minor.

Proposed law enacts the Louisiana Wireless Cell Phone Number Assignment for Minors Protection Act.

Proposed law defines the terms "consumer" and "wireless telecommunication service provider" for the purposes of proposed law in order to provide for clarification.

Proposed law requires wireless telecommunication service providers to inform consumers of how recently a wireless cell phone number was assigned to a prior holder of the number prior to assigning the number to the consumer when the consumer indicates that the service will be used by a minor.

Further, at the consumer's request, proposed law requires the wireless telecommunication service provider to assign a different wireless cell phone number, free of charge, when the wireless cell phone number that the provider will assign was used by a prior holder of the number within the last 365 days of the date of the reassignment.

Proposed law clarifies that proposed law is applicable only when the consumer is obtaining wireless telecommunication service that will be used by a minor.

Proposed law declares that a consumer obtaining services for use by a minor has the right to be informed if the wireless cell phone number that will be assigned to the minor was assigned to a prior holder of the number within the last 365 days and the right to request a different number without being charged. Proposed law requires wireless telecommunication service providers to disclose the consumer's rights pursuant to proposed law on the provider's website or in any other form that is reasonably accessible to consumers.

Proposed law prohibits wireless telecommunication service providers from discriminating against a consumer because the consumer exercised any of the consumer's rights under proposed law.

Proposed law authorizes a consumer to bring a civil action to recover actual damages and attorney fees and costs incurred as a result of a wireless telecommunication service provider's failure to implement proposed law. However, when the court finds that the consumer's civil action is groundless and brought in bad faith or to harass, the court may award the wireless telecommunication service provider attorney fees and costs.

(Adds R.S. 51:3171-3176)