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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 services that were not authorized by the  
customer;

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

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

D. "customer" means the person whose name appears

1 on the telephone bill or the person responsible for payment  
2 of the telephone bill;

3 E. "local exchange company" means a provider that  
4 provides local exchange services;

5 F. "local exchange services" means the  
6 transmission of two-way interactive communications within a  
7 local exchange area described in maps, tariffs or rate  
8 schedules filed with the commission where local exchange  
9 rates apply;

10 G. "provider" means a telephone company,  
11 transmission company, telecommunications common carrier,  
12 telecommunications company, cellular or other wireless  
13 telecommunications service company, cable television service,  
14 telecommunications reseller, billing aggregator or other  
15 person that bills directly or has a billing contract with a  
16 local exchange company;

17 H. "slamming" means:

18 (1) changing a customer's provider without  
19 the customer's authorization; or

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

23 I. "telecommunications service" means the  
24 transmission of signs, signals, writings, images, sounds,  
25 messages, data or other information of any nature by wire,

1 radio, lightwaves or other electromagnetic means or goods and  
2 services related to the transmission of information that are  
3 provided by the provider; provided that a good or service that  
4 does not meet the definition of "telecommunications service"  
5 does not become a telecommunications service merely because it  
6 is bundled with a telecommunications service for marketing or  
7 billing purposes." \_\_\_\_\_

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