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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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