

As Introduced

**128th General Assembly
Regular Session
2009-2010**

H. B. No. 392

Representative Yates

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A BILL

To enact section 4905.76 of the Revised Code to 1
prohibit late charges on bills for telephone 2
service, wireless service, and voice over internet 3
protocol service. 4

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 4905.76 of the Revised Code be 5
enacted to read as follows: 6

Sec. 4905.76. (A) As used in this section: 7

(1) "Voice over internet protocol service" means a service 8
that uses a broadband connection from an end user's location and 9
enables real-time, two-way, voice communications that originate or 10
terminate from the user's location using internet protocol or a 11
successor protocol, including, but not limited to, any such 12
service that permits an end user to receive calls from and 13
terminate calls to the public switched network. 14

(2) "Wireless service" means federally licensed commercial 15
mobile service as defined in the "Telecommunications Act of 1996," 16
110 Stat. 61, 151, 153, 47 U.S.C. 332(d) and further defined as 17
commercial mobile radio service in 47 C.F.R. 20.3. Under division 18
(A)(2) of this section, commercial mobile radio service is 19
specifically limited to mobile telephone, mobile cellular 20

telephone, paging, personal communications services, and 21
specialized mobile radio service provided by a common carrier in 22
this state and excludes fixed wireless service. 23

(3) "Wireless service provider" means a facilities-based 24
provider of wireless service to one or more end users in this 25
state. 26

(B) A public utility that is a telephone company shall not 27
assess any late payment fee or charge or interest on a customer's 28
bill for telephone service if a customer makes payment after the 29
due date of the bill. 30

(C) No wireless service provider or provider of voice over 31
internet protocol service shall assess any late payment fee or 32
charge or interest on a customer's bill for wireless service or 33
voice over internet protocol service if the customer makes payment 34
after the due date of the bill. The prohibition in division (C) of 35
this section shall apply to the extent permitted by federal law 36
governing these services and service providers. 37

(D) The public utilities commission shall not approve either 38
of the following: 39

(1) An application for a rate, joint rate, toll, 40
classification, charge, or rental, or modification, amendment, 41
change, increase, or reduction made for telephone service pursuant 42
to section 4909.18 of the Revised Code if that application 43
includes an assessment of any late payment fee, charge, or 44
interest on a customer's bill if the customer makes a payment 45
after the bill's due date. 46

(2) An application for the establishment of rates and charges 47
for public telecommunications service pursuant to section 4927.04 48
of the Revised Code if that application includes an assessment of 49
any late payment fee, charge, or interest on a customer's bill if 50
the customer makes a payment after the bill's due date. 51