

AUTOMATIC DIALER ADMINISTRATIVE FINE PROCEDURE

Unauthorized Usage

- Any person operating an ADAD to transmit calls to Nebraska citizens without a permit or registration shall be subject to an order to cease and desist and administrative penalties.

Late-Filed Scripts

- An AD registration script will be considered late when it is not filed within 24 hours following the time the ADAD began to transmit calls playing the script.
- An AD permit script will be considered late when it is not filed within 5 business days following the time the ADAD began to transmit calls playing the script.
- In the event 24 hour or 5 day period falls on a weekend or holiday, the script shall be due the next business day.

General Violations

ADAD operators shall be considered in violation of the ADAD Act and Commission Rules and subject to administrative penalties when:

- Transmitting in Nebraska scripts that do not include within the first twenty-five (25) seconds of the call clearly state the identity of the person making the call. (003.03A and 004.04A)
- Making calls outside of the hours of 8 a.m. to 9 p.m., Monday through Saturday, and 1 p.m. and 9 p.m. on Sundays and legal holidays.
- Transmitting messages exceeding 2 minutes in length.

Waiver

The Department may issue a waiver in lieu of a penalty for registrants and/or permit holders that:

- Have not previously had any other violations of the Act and Commission rules unless the Department has grounds to believe an operator has willfully violated the Act and Commission Rules.
- Provide information regarding exigent circumstances resulting in the violation of the Act and Commission rules and do not have a history of violating the Act and Commission Rules.

Penalty

Unauthorized usage of an unregistered or unpermitted ADAD, a late-filed script and/or other violation of the Act and Commission rules will be subject to administrative penalties including fines and processing fees.

Processing Fees

- \$100 per violation.
- Only one processing fee per occurrence.
- Payable to the Communications Department.

Administrative Fine

- Fifty dollar (\$50) per violation.
- Additional fines may be proposed.
- All fines will be payable to the Nebraska Public Service Commission and deposited in the common school fund.

Settlement and Hearing

- An ADAD operator has sixty (60) days from the date the complaint was entered to stipulate with the department in order to settle the complaint.
- If the complaint is not settled the matter will be set for hearing.