

[First Reprint]

**ASSEMBLY, No. 2131**

**STATE OF NEW JERSEY**  
**218th LEGISLATURE**

PRE-FILED FOR INTRODUCTION IN THE 2018 SESSION

**Sponsored by:**

**Assemblyman NICHOLAS CHIARAVALLOTI**

**District 31 (Hudson)**

**Assemblyman ANDREW ZWICKER**

**District 16 (Hunterdon, Mercer, Middlesex and Somerset)**

**Assemblyman CLINTON CALABRESE**

**District 36 (Bergen and Passaic)**

**Co-Sponsored by:**

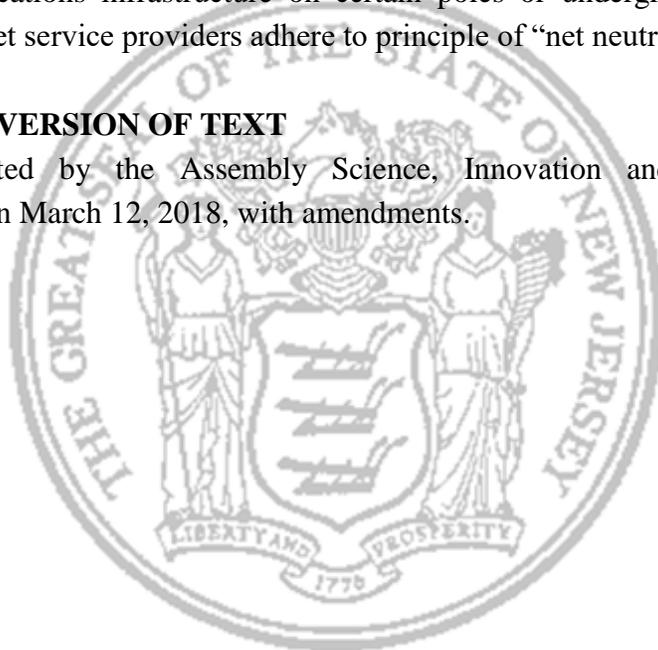
**Assemblyman Mukherji, Assemblywoman Swain, Assemblymen Tully and Conaway**

**SYNOPSIS**

Directs BPU to prohibit Internet service providers from installing broadband telecommunications infrastructure on certain poles or underground facilities unless Internet service providers adhere to principle of “net neutrality.”

**CURRENT VERSION OF TEXT**

As reported by the Assembly Science, Innovation and Technology Committee on March 12, 2018, with amendments.



**(Sponsorship Updated As Of: 6/21/2019)**

1 AN ACT concerning Internet service providers and supplementing  
2 Title 48 of the Revised Statutes.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6

7 1. As used in this act:

8 “Broadband telecommunications infrastructure” shall have the  
9 same meaning as provided in section 1 of P.L.2007, c.191  
10 (C.40:9D-1).

11 “Internet service provider” shall have the same meaning as  
12 provided in section 3 of P.L.2007, c.272 (C.56:8-170), including a  
13 governing body of a local unit that provides Internet service  
14 pursuant to P.L.2007, c.191 (C.40:9D-1 et seq.).

15 “Paid prioritization” <sup>1</sup>**[shall mean]** means<sup>1</sup> the management of  
16 an Internet service provider’s network to directly or indirectly favor  
17 some <sup>1</sup>data<sup>1</sup> traffic over other <sup>1</sup>data<sup>1</sup> traffic, including through use  
18 of techniques such as <sup>1</sup>data<sup>1</sup> traffic shaping, prioritization, resource  
19 reservation, or other forms of preferential <sup>1</sup>data<sup>1</sup> traffic  
20 management, either in exchange for consideration from a third party  
21 or to benefit an affiliated entity.

22 “Underground facility” means any public or private personal  
23 property which is buried, placed below ground, or submerged on a  
24 right-of-way, easement, public street, other public place or private  
25 property and used for telephone, cable television, or broadband  
26 Internet service.

27

28 2. Notwithstanding any law, rule, regulation, or order to the  
29 contrary, and consistent with federal law, the Board of Public  
30 Utilities shall prohibit an Internet service provider from installing  
31 broadband telecommunications infrastructure on any pole or post  
32 located on or over any highway or any right-of-way, or on any  
33 underground facility, belonging to a public utility or cable  
34 television company, unless the Internet service provider:

35 a. publicly discloses to customers located in this State accurate  
36 information regarding the network management practices and  
37 performance, and commercial terms of its Internet service;

38 b. does not engage in paid prioritization; and

39 c. permits customers located in this State to:

40 (1) access all lawful Internet content, applications, and services,  
41 and to use non-harmful Internet-enabled devices, without  
42 discrimination, subject to reasonable network management; and

43 (2) access all lawful Internet content, applications, and services,  
44 and to use non-harmful Internet-enabled devices, without the

**EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.**

**Matter underlined thus is new matter.**

**Matter enclosed in superscript numerals has been adopted as follows:**

<sup>1</sup>**Assembly AST committee amendments adopted March 12, 2018.**

**A2131 [1R] CHIARAVALLOTI, ZWICKER**

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1 impairment or degradation of Internet access speeds, subject to  
2 reasonable network management.

3

4 3. This act shall take effect immediately.