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

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

1. As used in this act:

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

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

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

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

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

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

b. does not engage in paid prioritization; and

c. permits customers located in this State to:

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

(2) access all lawful Internet content, applications, and services,
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:

Assembly AST committee amendments adopted March 12, 2018.
1  impairment or degradation of Internet access speeds, subject to
2  reasonable network management.
3
4  3. This act shall take effect immediately.