

SENATE, No. 1652

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED FEBRUARY 13, 2020

Sponsored by:
Senator LINDA R. GREENSTEIN
District 14 (Mercer and Middlesex)

SYNOPSIS

Provides consumer protections under certain telecommunications service provider contracts.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning certain telecommunications service provider
2 contracts and supplementing P.L.1960, c.39 (C.56:8-1 et seq.).
3

4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*
6

7 1. As used in P.L. , c. (C.) (pending before the
8 Legislature as this bill):

9 “Telecommunications service” or “service” means the provision
10 of cable television service, telephone service using any telephony
11 other than wireless telephone service, or Internet access service,
12 when provided individually or, in combination with any of the
13 aforementioned services, through the means of a service contract or
14 other similar agreement with a telecommunications service provider
15 and a telecommunications service subscriber.

16 “Telecommunications service provider” or “provider” means any
17 person providing telecommunications service.

18 “Telecommunications service subscriber” or “subscriber” means
19 any person to whom telecommunications service is provided or any
20 person who has agreed with a provider to pay obligations arising
21 from the provision of telecommunications service to another person.
22

23 2. Notwithstanding any law, rule, regulation, or order to the
24 contrary, if a telecommunications service subscriber experiences
25 and reports to the subscriber’s telecommunications service provider
26 a telecommunications service outage occurring more than three
27 times in any 30-day period, the provider:

28 a. shall not impose upon the subscriber any early termination,
29 cancellation, or any otherwise applicable fee or charge in
30 connection with the subscriber’s election to terminate service with
31 the provider prior to the expiration of the service contract or other
32 similar agreement;

33 b. shall refund to the subscriber any applicable fee or charge
34 paid by the subscriber for establishing or activating service with the
35 provider; and

36 c. shall refund to the subscriber an amount equal to the amount
37 of any early termination, cancellation, or any otherwise applicable
38 fee or charge paid by the subscriber for terminating service with the
39 subscriber’s previous provider prior to the expiration of the service
40 contract or other similar agreement with the subscriber’s previous
41 provider. A subscriber requesting a refund under this subsection
42 shall submit to the provider a copy of the statement of payment to
43 the subscriber’s previous provider as acceptable evidence that the
44 early termination or cancellation fee or charge was paid.
45

46 3. A telecommunications service provider shall keep a record
47 of the dates of all telecommunications service outages experienced
48 and reported to the provider by each of its subscribers and shall

1 transmit to each subscriber that has experienced a service outage
2 occurring more than three times in any 30-day period a notice of
3 that situation as an acknowledgement that the subscriber is eligible
4 for the relief provided for in section 2 of P.L. , c. (C.)
5 (pending before the Legislature as this bill).

6
7 4. A violation of P.L. , c. (C.) (pending before the
8 Legislature as this bill) shall be an unlawful practice subject to the
9 penalties applicable pursuant to section 1 of P.L.1966, c.39 (C.56:8-
10 13) and section 2 of P.L.1999, c.129 (C.56:8-14.3).

11
12 5. This act shall take effect immediately and shall be applicable
13 to new service contracts or other similar agreements entered into, or
14 existing service contracts or other similar agreements renewed, on
15 or after the effective date of this act.

16 17 18 STATEMENT

19
20 This bill imposes certain obligations on a provider of cable
21 television service, telephone service using any telephony other than
22 wireless telephone service, or Internet access service, that provides
23 these services individually or, in combination with any of the
24 aforementioned services, via a contract or service agreement with a
25 subscriber.

26 Specifically, if a subscriber of the aforementioned service or
27 services (subscriber) experiences and reports to the provider of the
28 service or services (provider) a service outage occurring more than
29 three times in any 30-day period, the provider: 1) is prohibited from
30 imposing any early termination, cancellation, or any otherwise
31 applicable fee or charge on the subscriber for terminating service
32 with the provider prior to the expiration of the service contract; 2) is
33 to refund to the subscriber any applicable fee or charge paid by the
34 subscriber for establishing or activating service with the provider;
35 and 3) is to refund to the subscriber the amount of any early
36 termination, cancellation, or any otherwise applicable fee or charge
37 that the subscriber paid for terminating service with the subscriber's
38 previous provider. A subscriber requesting a refund of the charge
39 for terminating service with the subscriber's previous provider is
40 required to submit to the provider a copy of the statement of
41 payment to the subscriber's previous provider as acceptable
42 evidence that the fee or charge was paid.

43 The bill requires providers to keep a record of the dates of all
44 telecommunications service outages that its subscribers have
45 reported to the provider and to notify each subscriber that has
46 experienced a service outage occurring more than three times in any
47 30-day period of that situation.

S1652 GREENSTEIN

4

1 Any violation of the provisions of this bill is to be deemed an
2 unlawful practice subject to the penalties applicable pursuant to
3 section 1 of P.L.1966, c.39 (C.56:8-13) and section 2 of P.L.1999,
4 c.129 (C.56:8-14.3).