AN ACT

1. Prohibiting Internet service providers from engaging in practices which curtail equal access to lawful Internet content, applications, services or use of nonharmful devices; and imposing civil penalties.

2. The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Short title.

This act shall be known and may be cited as the Net Neutrality Act.

Section 2. Definitions.

The following words and phrases when used in this act shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Broadband Internet access service." As follows:

1. A mass-market retail service by wire or radio in this Commonwealth that provides the capability to transmit data to and receive data from all or substantially all Internet endpoints, including any capabilities that are incidental to and enable the operation of the communications
service.

(2) The term includes a service in this Commonwealth that provides the functional equivalent of the service specified under paragraph (1) or is used to evade the protections set forth under this act.

(3) The term does not include dial-up Internet access service.

"Edge provider." A person or entity in this Commonwealth that provides any of the following:

(1) Content, applications or services over the Internet.

(2) Devices used for accessing content, applications or services over the Internet.

"Internet service provider." A person or entity that provides broadband Internet access service in this Commonwealth.

"Paid prioritization." The management of an Internet provider's network to directly or indirectly favor some Internet traffic over other Internet traffic, including through the use of techniques such as Internet traffic shaping, prioritization, resource reservation or other forms of preferential Internet traffic management, in exchange for economic consideration from a third party or to benefit an affiliated entity.

Section 3. Prohibitions on certain activities by Internet service providers.

Except for the purpose of reasonable network management, an Internet service provider may not engage in any of the following activities:

(1) Blocking lawful Internet content, applications, services or use of nonharmful devices.

(2) Impairing or degrading Internet traffic on the basis of lawful Internet content, applications, services or use of
nonharmful devices.

(3) Paid prioritization.

(4) Providing preferential treatment for some Internet traffic to an Internet user.

(5) Unreasonably interfering with or unreasonably disadvantaging an Internet user's ability to select, access and use broadband Internet access service or lawful Internet content, applications, services or use of nonharmful devices of the Internet user's choice.

(6) Unreasonably interfering with or unreasonably disadvantaging an edge provider's ability to make lawful Internet content, applications, services or the use of nonharmful devices available to an Internet user.

(7) Engaging in deceptive or misleading marketing practices that misrepresent the treatment of Internet traffic or content to an Internet user.

(8) Advertising, offering for sale, or selling broadband Internet access service without prominently disclosing with specificity all aspects of the service advertised, offered for sale or sold.

Section 4. Administration.

The Office of Attorney General shall administer this act.

Section 5. Penalties.

An Internet service provider that knowingly aids or participates in a violation of this act shall be subject to any of the following penalties:

(1) A fine of not less than $1,000,000, payable to the Commonwealth.

(2) Revocation of the Internet service provider's charter if the Internet service provider is organized under 20180HB2062PN3052
the laws of this Commonwealth.

(3) Revocation of the Internet service provider's certificate of authority to do business in this Commonwealth if the Internet service provider is not organized under the laws of this Commonwealth.

Section 6. Effective date.

This act shall take effect in 60 days.