
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2062 Session of
2018

INTRODUCED BY WHEATLEY, FEBRUARY 28, 2018

REFERRED TO COMMITTEE ON CONSUMER AFFAIRS, FEBRUARY 28, 2018

AN ACT

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

5 The General Assembly of the Commonwealth of Pennsylvania
6 hereby enacts as follows:

7 Section 1. Short title.

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

10 Section 2. Definitions.

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

14 "Broadband Internet access service." As follows:

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

1 service.

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

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

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

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

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

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

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

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

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

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

29 (2) Impairing or degrading Internet traffic on the basis
30 of lawful Internet content, applications, services or use of

1 nonharmful devices.

2 (3) Paid prioritization.

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

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

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

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

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

21 Section 4. Administration.

22 The Office of Attorney General shall administer this act.

23 Section 5. Penalties.

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

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

29 (2) Revocation of the Internet service provider's
30 charter if the Internet service provider is organized under

1 the laws of this Commonwealth.

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

6 Section 6. Effective date.

7 This act shall take effect in 60 days.