ASSEMBLY, No. 1782

STATE OF NEW JERSEY

220th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2022 SESSION

Sponsored by:
Assemblyman WAYNE P. DEANGELO
District 14 (Mercer and Middlesex)

SYNOPSIS
Provides consumer protections under certain telecommunications service provider contracts.

CURRENT VERSION OF TEXT
Introduced Pending Technical Review by Legislative Counsel.
AN ACT concerning certain telecommunications service provider contracts and supplementing Title 56 of the Revised Statutes.

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

1. As used in P.L. , c. (pending before the Legislature as this bill):
   “Telecommunications service” or “service” means the provision of cable television service, telephone service using any telephony other than wireless telephone service, or Internet access service, when provided individually or, in combination with any of the aforementioned services, through the means of a service contract or other similar agreement with a telecommunications service provider and a telecommunications service subscriber.
   “Telecommunications service provider” or “provider” means any person providing telecommunications service.
   “Telecommunications service subscriber” or “subscriber” means any person to whom telecommunications service is provided or any person who has agreed with a provider to pay obligations arising from the provision of telecommunications service to another person.

2. Notwithstanding any law, rule, regulation, or order to the contrary, if a telecommunications service subscriber experiences and reports to the subscriber’s telecommunications service provider a telecommunications service outage occurring more than three times in any 30-day period, the provider:
   a. shall not impose upon the subscriber any early termination, cancellation, or any otherwise applicable fee or charge in connection with the subscriber’s election to terminate service with the provider prior to the expiration of the service contract or other similar agreement;
   b. shall refund to the subscriber any applicable fee or charge paid by the subscriber for establishing or activating service with the provider; and
   c. shall refund to the subscriber an amount equal to the amount of any early termination, cancellation, or any otherwise applicable fee or charge paid by the subscriber for terminating service with the subscriber’s previous provider prior to the expiration of the service contract or other similar agreement with the subscriber’s previous provider. A subscriber requesting a refund under this subsection shall submit to the provider a copy of the statement of payment to the subscriber’s previous provider as acceptable evidence that the early termination or cancellation fee or charge was paid.

3. A telecommunications service provider shall keep a record of the dates of all telecommunications service outages experienced and reported to the provider by each of its subscribers and shall
transmit to each subscriber that has experienced a service outage occurring more than three times in any 30-day period a notice of that situation as an acknowledgement that the subscriber is eligible for the relief provided for in section 2 of P.L. , c. (pending before the Legislature as this bill).

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

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

STATEMENT

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

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

The bill requires providers to keep a record of the dates of all telecommunications service outages that its subscribers have reported to the provider and to notify each subscriber that has experienced a service outage occurring more than three times in any 30-day period of that situation.
Any violation of the provisions of this bill is to be deemed an unlawful practice subject to the penalties applicable pursuant to section 1 of P.L.1966, c.39 (C.56:8-13) and section 2 of P.L.1999, c.129 (C.56:8-14.3).