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.
S1227 GREENSTEIN

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

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

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

4. A violation of P.L. , c. (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).