

House Bill 723

By: Representatives Davis of the 87<sup>th</sup>, Mitchell of the 88<sup>th</sup>, Boddie of the 62<sup>nd</sup>, Jackson of the 64<sup>th</sup>, Evans of the 83<sup>rd</sup>, and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 1 of Title 10 of the Official Code of Georgia Annotated, relating to selling  
2 and other trade practices, so as to provide for regulation of certain practices by providers of  
3 broadband services; to provide for definitions; to provide for related matters; to repeal  
4 conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 **SECTION 1.**

7 Chapter 1 of Title 10 of the Official Code of Georgia Annotated, relating to selling and other  
8 trade practices, is amended by adding a new article to read as follows:

9 "ARTICLE 35

10 10-1-920.

11 (a) As used in this Code section, the term:

12 (1) 'Broadband internet access service' means a mass-market retail service by wire or  
13 radio that provides the capability to transmit data to and receive data from all or  
14 substantially all internet endpoints, including any capabilities that are incidental to and

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15 enable the operation of the communications service, but excluding dial-up internet access  
16 service.

17 (2) 'End user' means any individual or entity that uses a broadband internet access  
18 service.

19 (3) 'Paid prioritization' means the management of a broadband provider's network to  
20 directly or indirectly favor some traffic over other traffic, including through the use of  
21 techniques such as traffic shaping, prioritization, resource reservation, or other forms of  
22 preferential traffic management, either:

23 (A) In exchange for consideration, monetary or otherwise, from a third party; or

24 (B) To benefit an affiliated entity.

25 Such term shall not include the provision of tiered internet access service or offerings to  
26 a retail end user.

27 (4) 'Reasonable network management' means a practice that has a primarily technical  
28 network management justification, but shall not include other business practices. A  
29 network management practice is reasonable if it is primarily used for and tailored to  
30 achieving a legitimate network management purpose, taking into account the particular  
31 network architecture and technology of the broadband internet access service.

32 (5) 'Tiered internet access service' means offering end users a choice between different  
33 packages of service with clearly advertised speeds, prices, terms, and conditions; for  
34 example, a 10 megabit service for one price and a 50 megabit service for a different price.

35 (b) Any person providing broadband internet access service in this state shall publicly  
36 disclose accurate information regarding the network management practices, performance  
37 characteristics, and commercial terms of its broadband internet access service sufficient to  
38 enable consumers to make informed choices regarding the purchase and use of such service  
39 and entrepreneurs and other small businesses to develop, market, and maintain internet  
40 offerings. The disclosure shall be made via a publicly available, easily accessible website.

41 (c) A person engaged in the provision of broadband internet access service in this state,  
42 insofar as the person is so engaged, shall not:

43 (1) Block lawful content, applications, services, or nonharmful devices, subject to  
44 reasonable network management;

45 (2) Impair or degrade lawful internet traffic on the basis of internet content, application,  
46 or service, or use of a nonharmful device, subject to reasonable network management; or

47 (3) Engage in paid prioritization.

48 (d) Nothing in this Code section:

49 (1) Supersedes any obligation or authorization a provider of broadband internet access  
50 service may have to address the needs of emergency communications or law  
51 enforcement, public safety, or national security authorities, consistent with or as  
52 permitted by applicable law, or limits the provider's ability to do so; or

53 (2) Prohibits reasonable efforts by a provider of broadband internet access service to  
54 address copyright infringement or other unlawful activity."

55 **SECTION 2.**

56 All laws and parts of laws in conflict with this Act are repealed.