

SENATE BILL 2851

By Bailey

AN ACT to amend Tennessee Code Annotated, Title 5;
Title 6; Title 7; Title 47, Chapter 18 and Title 65,
relative to providers of broadband services.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 47, Chapter 18, Part 1, is amended by adding the following new section:

(a) For purposes of this section, "broadband services" has the same meaning as provided in § 65-5-202.

(b)

(1) A provider of broadband services shall not fail to provide to a consumer of broadband services the stated upload and download speeds that the consumer has paid or contracted to pay to receive from the provider of broadband services.

(2) Except as provided in subdivision (b)(3), a provider of broadband services violates subdivision (b)(1) if it fails to provide the purchased or contracted upload and download speeds to the consumer at any point during the period of time covered by the consumer's payment or a service contract.

(3) A provider does not violate subdivision (b)(1) if:

(A) A failure to provide the purchased or contracted upload and download speeds to the consumer is a direct result of a loss, damage, or destruction of broadband services infrastructure due to an act of God, natural disaster, or act of terrorism or other criminal act; and

(B) The provider fully restores the purchased or contracted upload and download speeds to the consumer within the minimum period of time reasonably necessary to repair the loss, damage, or destruction of the broadband services infrastructure based upon standard industry practice.

(c) A violation of this section constitutes a violation of the Tennessee Consumer Protection Act of 1977, compiled in this part.

(d) For the purpose of application of the Tennessee Consumer Protection Act of 1977, any violation of this section is an unfair or deceptive act or practice affecting the conduct of trade or commerce and subjects the violator to the penalties and remedies as provided in this part. The attorney general may assess a civil penalty of not less than five thousand dollars (\$5,000) nor more than fifteen thousand dollars (\$15,000) for each violation of this section. For purposes of this part, each act in violation of this section constitutes a separate violation of this section. The civil penalties recoverable by this state under this section are supplemental and cumulative to any other available civil or criminal penalties and relief available under other laws, regulations, and rules, including, but not limited to, those available pursuant to § 47-18-108.

SECTION 2. This act shall take effect July 1, 2020, the public welfare requiring it, and applies to the provision of broadband services provided pursuant to prepayments made or service contracts entered into, renewed, or amended on and after that date.