

Senate Bill 310

By: Senators Jones II of the 22nd, Henson of the 41st, Tate of the 38th, Jordan of the 6th, Seay of the 34th and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 46 of the Official Code of Georgia Annotated, relating to public utilities and
2 public transportation, so as to provide for a legislative purpose; to define certain terms; to
3 provide that any Internet service provider engaged in the provision of broadband Internet
4 access service shall publicly disclose accurate information regarding the network
5 management practices, performance, and commercial terms of its broadband Internet access
6 service; to prohibit any Internet service provider from blocking lawful content, applications,
7 services, and nonharmful devices; to prohibit unreasonable discrimination in transmitting
8 lawful network traffic over a consumer's broadband Internet access service; to provide for
9 the implementation of rules and regulations; to provide for penalties; to provide for related
10 matters; to repeal conflicting laws; and for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 style="text-align:center">**SECTION 1.**

13 Title 46 of the Official Code of Georgia Annotated, relating to public utilities and public
14 transportation, is amended by revising Chapter 10, which was previously reserved, as
15 follows:

16 style="text-align:center">"CHAPTER 10

17 46-10-1.

18 The purpose of this chapter is to preserve the Internet as an open platform enabling
19 consumer choice, freedom of expression, end user control, competition, and the freedom
20 to innovate without permission. ~~Reserved:~~

21 46-10-2.

22 As used in this chapter, the term:

23 (1) 'Broadband' means wide bandwidth data transmission which transports multiple
24 signals and traffic types.

25 (2) 'Internet service provider' means a company having one or more access points from
26 one place to the rest of the Internet that provides individuals and other companies access
27 to the Internet and other related services.

28 46-10-3.

29 An Internet service provider engaged in the provision of fixed or wireless broadband
30 Internet access service shall publicly disclose accurate information regarding the network
31 management practices, performance, and commercial terms of its broadband Internet
32 access service sufficient for consumers to make informed choices regarding the use of such
33 service and for content, application, service, and device providers to develop, market, and
34 maintain Internet offerings; provided, however, that this Code section shall not be
35 construed so as to require public disclosure of competitively sensitive information or
36 information that would compromise network security or undermine the efficacy of
37 reasonable network management practices.

38 46-10-4.

39 An Internet service provider engaged in the provision of fixed or wireless broadband
40 Internet access service, insofar as such Internet service provider is so engaged, shall not
41 block lawful content, applications, services, or nonharmful devices, subject to reasonable
42 network management. An Internet service provider engaged in the provision of mobile
43 broadband Internet access service, insofar as such Internet service provider is so engaged,
44 shall not block consumers from accessing lawful websites, subject to reasonable network
45 management, nor shall such Internet service provider block applications that compete with
46 the provider's voice or video telephone services, subject to reasonable network
47 management.

48 46-10-5.

49 An Internet service provider engaged in the provision of fixed or wireless broadband
50 Internet access service, insofar as such Internet service provider is so engaged, shall not
51 unreasonably discriminate in transmitting lawful network traffic over a consumer's
52 broadband Internet access service. Reasonable network management shall not constitute
53 unreasonable discrimination.

54 46-10-6.

55 The Public Service Commission shall have the exclusive power and authority to prescribe
56 rules and regulations for the implementation of this chapter.

57 46-10-7.

58 Any Internet service provider convicted of a violation of this chapter shall be subject to a
59 civil fine in an amount not to exceed \$500,000.00 for each such violation."

60 **SECTION 2.**

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