

116TH CONGRESS
1ST SESSION

S. 510

To amend the Communications Act of 1934 to provide for certain requirements relating to charges for internet, television, and voice services, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 14, 2019

Mr. MARKEY (for himself, Mr. BLUMENTHAL, Ms. KLOBUCHAR, Mr. CARDIN, Ms. WARREN, Mr. WYDEN, and Ms. SMITH) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To amend the Communications Act of 1934 to provide for certain requirements relating to charges for internet, television, and voice services, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Truth-in-Billing, Rem-
5 edies, and User Empowerment over Fees Act of 2019”
6 or the “TRUE Fees Act of 2019”.

1 **SEC. 2. REQUIREMENTS RELATING TO CHARGES FOR COV-**
 2 **ERED SERVICES.**

3 (a) IN GENERAL.—Title VII of the Communications
 4 Act of 1934 (47 U.S.C. 601 et seq.) is amended by adding
 5 at the end the following:

6 **“SEC. 723. REQUIREMENTS RELATING TO CHARGES FOR**
 7 **COVERED SERVICES.**

8 “(a) DEFINITIONS.—In this section:

9 “(1) ALTERNATIVE DISPUTE RESOLUTION.—
 10 The term ‘alternative dispute resolution’ has the
 11 meaning given the term in section 3 of the Y2K Act
 12 (15 U.S.C. 6602).

13 “(2) COVERED DISPUTE.—The term ‘covered
 14 dispute’ means a dispute between a provider of a
 15 covered service and a consumer in which the con-
 16 sumer alleges that—

17 “(A) the amount charged by the provider
 18 for or relating to the provision of the covered
 19 service (including any related taxes, administra-
 20 tive fees, equipment rental fees, or other
 21 charges)—

22 “(i) was increased without notice
 23 being provided to the consumer as required
 24 by subsection (d)(1)(A)(i); or

25 “(ii) during the period covered by any
 26 promotional rate or other discount that

1 was included in the price that the con-
 2 sumer agreed to pay for or relating to the
 3 provision of the covered service, did not re-
 4 flect the promotional rate or other dis-
 5 count; or

6 “(B) the provider billed the consumer—

7 “(i) for the provision of a service or
 8 for any related taxes, administrative fees,
 9 or other charges to which the consumer did
 10 not subscribe during the period covered by
 11 the bill; or

12 “(ii) for rental of equipment or for
 13 any related taxes, administrative fees, or
 14 other charges that the consumer did not
 15 rent during the period covered by the bill.

16 “(3) COVERED SERVICE.—The term ‘covered
 17 service’—

18 “(A) means—

19 “(i) internet access service;

20 “(ii) voice service, as defined in sec-
 21 tion 227(e)(8);

22 “(iii) commercial mobile service, as
 23 defined in section 332(d);

24 “(iv) commercial mobile data service,
 25 as defined in section 6001 of the Middle

1 Class Tax Relief and Job Creation Act of
2 2012 (47 U.S.C. 1401); and

3 “(v) service provided by a multi-
4 channel video programming distributor, as
5 defined in section 602, to the extent the
6 distributor is acting as a multichannel
7 video programming distributor; and

8 “(B) includes any other service offered or
9 provided as part of a bundle or package with
10 any service referred to in subparagraph (A).

11 “(4) INTERNET ACCESS SERVICE.—The term
12 ‘internet access service’—

13 “(A) means a mass-market retail service
14 by wire or radio that provides the capability to
15 transmit data to and receive data from all or
16 substantially all internet endpoints, including
17 any capabilities that are incidental to and en-
18 able the operation of the communications serv-
19 ice; and

20 “(B) includes any service that—

21 “(i) the Commission finds to be pro-
22 viding a functional equivalent of the service
23 described in subparagraph (A); or

24 “(ii) is used to evade the protections
25 set forth in this section.

1 “(b) TRANSPARENCY IN ADVERTISING.—

2 “(1) IN GENERAL.—Except as provided in para-
 3 graph (2), a provider of a covered service may not
 4 advertise the price of the covered service unless the
 5 advertised price is the total amount that the pro-
 6 vider will charge for or relating to the provision of
 7 the covered service, including any related taxes, ad-
 8 ministrative fees, equipment rental fees, or other
 9 charges, to a consumer who accepts the offer made
 10 in the advertisement.

11 “(2) EXCEPTION.—Paragraph (1) does not re-
 12 quire a provider of a covered service to include in
 13 the advertised price of the covered service any tax,
 14 fee, or other charge that—

15 “(A) the provider is required to charge
 16 under any provision of Federal law or of the
 17 law of a State or political subdivision of a
 18 State; and

19 “(B) is not uniform throughout the United
 20 States.

21 “(c) TRANSPARENCY IN E-BILLING.—A provider of a
 22 covered service may not provide a bill to a consumer in
 23 an electronic format unless the provider—

24 “(1) provides the bill, or a notification that the
 25 bill is available, by email or a functional equivalent

1 of email that permits the consumer to view the bill
 2 or notification without having to access an online ac-
 3 count or the functional equivalent of an online ac-
 4 count or to take any similar additional steps; and

5 “(2) includes in the bill or notification provided
 6 in accordance with paragraph (1) an itemized state-
 7 ment that breaks down the total amount charged for
 8 or relating to the provision of the covered service by
 9 the amount charged for the provision of the covered
 10 service itself and the amount of any related taxes,
 11 administrative fees, equipment rental fees, or other
 12 charges, in the same level of detail as would be pro-
 13 vided in a paper bill.

14 “(d) REQUIREMENTS FOR INCREASES IN
 15 CHARGES.—

16 “(1) IN GENERAL.—Except as provided in para-
 17 graph (2), in the case of a provider of a covered
 18 service that enters into a contract with a consumer
 19 for the provision of the covered service—

20 “(A) if the provider increases the total
 21 amount charged for or relating to the provision
 22 of the covered service under the contract, re-
 23 gardless of the amount of the increase or
 24 whether the increase is in the amount charged
 25 for the provision of the covered service itself or

1 in any related taxes, administrative fees, equip-
2 ment rental fees, or other charges, the provider
3 shall—

4 “(i) provide the consumer with clear
5 notice of the increase not later than 21
6 days before the increase takes effect, in the
7 same manner in which the provider pro-
8 vides to the consumer a notification that
9 the consumer’s bill is available or, if no
10 separate notification is provided, in the
11 same manner as the provider provides the
12 consumer’s bill to the consumer; and

13 “(ii) permit the consumer to termi-
14 nate the contract without paying any early
15 termination fee or other penalty; and

16 “(B) the provider may not increase any fee
17 or other charge for equipment rental unless the
18 equipment is upgraded, whether through a
19 hardware or software upgrade, so as to provide
20 a substantial increase in functionality.

21 “(2) EXCEPTION FOR ADDITIONAL OR UP-
22 GRADED SERVICE REQUESTED BY CONSUMER.—
23 Paragraph (1)(A) does not apply with respect to an
24 increase resulting from the provision, at the request

1 of the consumer, of a service that is in addition to,
 2 or an upgrade of, a service covered by the contract.

3 “(e) PROHIBITION ON COMPULSORY ALTERNATIVE
 4 DISPUTE RESOLUTION.—

5 “(1) PROHIBITION ON CONTRACTUAL PROVI-
 6 SION.—A provider of a covered service may not in-
 7 clude in a contract with a consumer for the provision
 8 of the covered service a provision that requires the
 9 consumer to resolve a covered dispute with the pro-
 10 vider through alternative dispute resolution.

11 “(2) UNENFORCEABILITY OF CONTRACTUAL
 12 PROVISION.—Any alternative dispute resolution pro-
 13 vision included in a contract in violation of para-
 14 graph (1) shall be void and unenforceable.”.

15 (b) TRANSITIONAL RULE RELATING TO DEFINITION
 16 OF VOICE SERVICE.—Subsection (e)(3)(A)(ii) of section
 17 723 of the Communications Act of 1934, as added by sub-
 18 section (a) of this section, shall apply before the effective
 19 date of the amendment made to subsection (e)(8) of sec-
 20 tion 227 of such Act (47 U.S.C. 227) by section
 21 503(a)(2)(C) of division P of the Consolidated Appropria-
 22 tions Act, 2018 (Public Law 115–141) as if such amend-
 23 ment was already in effect.

24 (c) EFFECTIVE DATE.—Section 723 of the Commu-
 25 nications Act of 1934, as added by subsection (a) of this

1 section, shall apply beginning on the date that is 180 days
2 after the date of enactment of this Act, except that sub-
3 sections (d) and (e) of such section 723 shall not apply
4 with respect to a contract entered into, and as in effect,
5 before the date that is 180 days after the date of enact-
6 ment of this Act.

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