
Technology & Economic Development Committee

HB 2284

Brief Description: Protecting consumers by prohibiting blocking, throttling, or paid prioritization in the provision of internet service in Washington state.

Sponsors: Representatives Smith, Cody, Tarleton, DeBolt, Springer, Santos, McBride, Chapman, Wylie, Fitzgibbon, Peterson, Morris, Stonier, Kagi, Senn, Kirby, Stanford, Blake, Reeves, Kilduff, Clibborn, Macri, Pettigrew, Orcutt, Stambaugh, Ormsby, Ryu, Hayes, Pollet, Doglio, Ortiz-Self, Riccelli, McDonald, Jinkins and Gregerson.

Brief Summary of Bill

- Prohibits Internet providers from engaging in certain types of conduct in the provision of service.

Hearing Date: 1/18/18

Staff: Lily Smith (786-7175).

Background:

Federal Communications Commission.

The Federal Communications Commission (FCC) regulates interstate and international communications in commerce, with particular requirements for common carriers. Providers of telecommunications services are considered common carriers.

Prior to 2015, the FCC classified the provision of broadband Internet access services (Internet service) as an information service, which is not subject to common carrier regulation. In a 2015 order, the FCC reclassified Internet service as a telecommunications service and applied specific service conduct rules, which prohibited blocking, throttling, and the use of paid prioritization.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

The 2015 order included a non-interference conduct standard and updates to a pre-existing disclosure rule. The 2015 regulatory action is often referred to as "net neutrality."

In 2018, the FCC issued an order reclassifying Internet service as an information service and reversing the 2015 conduct rules, conduct standard, and updates to the disclosure rule.

Federal Trade Commission.

The Federal Trade Commission (FTC) is tasked with preventing unfair or deceptive acts or practices in or affecting commerce under the Federal Trade Commission Act (FTCA), along with enforcement of specific consumer protection and antitrust laws.

The FTCA does not apply to common carriers when engaged in business as a common carrier. Prior to the 2015 FCC order reclassifying Internet service as a telecommunications service, the FTC had authority over Internet service providers under the FTCA. The 2018 FCC order returns that authority.

Summary of Bill:

Internet providers in Washington are prohibited, with some exceptions, from:

- blocking content, applications, services, or non-harmful devices;
- impairing or degrading ("throttling") traffic on the basis of content, application, service, or use of non-harmful device; or
- favoring some traffic over others in exchange for benefit ("paid prioritization");

A violation of the act is enforceable under the Consumer Protection Act, RCW 19.86, solely by the Attorney General.

The Internet consumer access account is created in the state treasury.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.