

AMENDED IN ASSEMBLY MARCH 18, 2002
AMENDED IN ASSEMBLY FEBRUARY 28, 2002

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

ASSEMBLY BILL

No. 1814

Introduced by Assembly Member Reyes

January 16, 2002

An act to add Chapter 22 (commencing with Section 22520) to Division 8 of the Business and Professions Code, relating to Internet service providers.

LEGISLATIVE COUNSEL'S DIGEST

AB 1814, as amended, Reyes. Internet service providers: notice of service termination.

Existing law does not require an Internet service provider to notify a customer of proposed service termination.

This bill would require an Internet service provider, *prior to voluntarily exiting the business of providing Internet service connections*, to provide 45 days' advance notice of proposed transfer of service to another Internet service provider or of proposed service termination to each affected customer under certain conditions. The bill would require a transfer of service to be without charge. *The bill would also preempt any local government regulation of this subject matter.*

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Chapter 22 (commencing with Section 22520) is added to Division 8 of the Business and Professions Code, to read:

CHAPTER 22. INTERNET SERVICE PROVIDERS

22520. (a) (1) An Internet service provider, or any person, firm, or corporation representing the Internet service provider, prior to the Internet service provider *voluntarily* exiting the business of providing Internet connection service to all of the provider's customers or to an entire class of the provider's customers, shall provide those affected customers with a written *or electronic* notice at least 45 days prior to the proposed transfer of those customers to another Internet service provider or the termination of service. The notice shall include all of the following:

(A) A straightforward description of any proposed transfer.

(B) All applicable rates, terms, and conditions of a proposed new service.

(C) A statement that the customer has the right to transfer to another Internet service provider.

(D) A toll-free customer service telephone number for the purpose of responding to customers' questions.

(2) Any transfer of customer services described in ~~subdivision (a)~~ *this section* shall be effectuated without charge to the customer.

(b) *This section supersedes and preempts all rules, regulations, codes, statutes, or ordinances of all cities, counties, cities and counties, municipalities, and other local agencies regarding notice of service termination or transfer of customers by Internet service providers.*

(c) Subdivision (a) does not apply if any of the following apply:

(1) The Internet service provider has entered into a written contract with the customer and immediate termination is the result of breach of contract under conditions specified in that contract or under the acceptable use policy of the Internet service provider as disclosed at the time that services were contracted.

1 (2) The customer or a user of the customer's service is using the
2 provided service to communicate harassing or threatening
3 material, as determined by the Internet service provider.

4 (3) The customer or a user of the customer's service is using an
5 account to send large amounts of unsolicited commercial
6 electronic mail.

7 (4) The customer or a user of the customer's service is using the
8 service in violation of subdivision (c) of Section 502 of the Penal
9 Code.

10 (5) The customer's service has been compromised and is being
11 used by a third party.

12 (6) The customer or user of the customer's service is violating
13 federal or state law.

