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**SENATE BILL NO. 948**

Offered January 19, 2018

A *BILL to amend the Code of Virginia by adding in Article 7 of Chapter 21 of Title 15.2 a section numbered 15.2-2161, relating to net neutrality.*

Patron—Wexton

Referred to Committee on Commerce and Labor

**Be it enacted by the General Assembly of Virginia:**

**1. That the Code of Virginia is amended by adding in Article 7 of Chapter 21 of Title 15.2 a section numbered 15.2-2161 as follows:**

**§ 15.2-2161. Net neutrality.**

*A. An entity engaged in the provision of broadband Internet access service in the Commonwealth shall not:*

*1. Block lawful content, applications, services, or nonharmful devices, subject to reasonable network management;*

*2. Impair or degrade lawful Internet traffic on the basis of Internet content, application, or service, or use of a nonharmful device, subject to reasonable network management;*

*3. Engage in paid prioritization;*

*4. Unreasonably interfere with or unreasonably disadvantage:*

*a. End users' ability to select, access, and use broadband Internet access service or the lawful Internet content, applications, services, or devices of their choice; or*

*b. Edge providers' ability to make lawful content, applications, services, or devices available to end users; or*

*5. Except as provided in subsection B, knowingly disclose personally identifiable information concerning a consumer of the Internet service provider. Personally identifiable information means information that identifies:*

*a. A consumer by name, physical or electronic address, or telephone number;*

*b. A consumer as having requested or obtained specific materials or services from an Internet service provider;*

*c. Internet or online sites visited by a consumer; or*

*d. Any of the contents of a consumer's data-storage devices.*

*B. An Internet service provider shall disclose personally identifiable information concerning a consumer pursuant to:*

*1. A grand jury subpoena;*

*2. An investigative or law-enforcement officer while acting as authorized by law;*

*3. A court order in a civil proceeding upon a showing of compelling need for the information that cannot be accommodated by other means;*

*4. A court in a civil action for conversion commenced by the Internet service provider or in a civil action to enforce collection of unpaid subscription fees or purchase amounts, and then only to the extent necessary to establish the fact of the subscription delinquency or purchase agreement and with appropriate safeguards against unauthorized disclosure;*

*5. A request of the consumer who is the subject of the information, upon written or electronic request and upon payment of a fee not to exceed the actual cost of retrieving the information;*

*6. A subpoena, including an administrative subpoena, issued under authority of a law of the Commonwealth or another state or the United States; or*

*7. A warrant or court order.*

INTRODUCED

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