

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

ENGROSSED

Committee Substitute

for

House Bill 4807

By Delegates Hillenbrand, Crouse, Butler, Shamblin,
Kirby, W. Hall, Sheedy, Cooper, Linville, Brooks, and
Foster

[Originating in the Committee on the Judiciary;

Reported February 12, 2024]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
2 designated §46A-6-111, relating to establishing limitations on billing practices of Internet or
3 telecommunications providers that fail to provide subscribed customers service for five or
4 more days (120 hours); requiring providers to automatically credit the customer's account
5 for the lack of service proportional to the number of days disrupted services providers
6 relating to customer outages; requiring credits to accounts; Attorney General to enforce;
7 and establishing civil penalties.

Be it enacted by the Legislature of West Virginia:

ARTICLE 6. GENERAL CONSUMER PROTECTION.

**§46A-6-111. Limitations on Internet or telecommunications service provider charges during
service outages; penalty.**

1 (a) Legislative purpose — The purpose of this section is to require Internet or
2 telecommunications service providers that fail to provide subscribed customers service for five or
3 more days (120 hours) to automatically credit the customer's account for the lack of service
4 proportional to the number of days of disrupted services and providers doing business in this state
5 from charging a customer for services that the customer has not received and further, prohibiting
6 billing of customer for services during a service interruption. The Legislature recognizes that
7 service failures occur beyond the control and of no fault of the Internet or telecommunications
8 provider, but an inherent unfairness exists in the relationship between Internet or
9 telecommunications providers and their customers that allows the Internet or telecommunications
10 service provider to require the customer to pay for considerable periods of nonservice. Further,
11 that the Internet or telecommunications provider has a disproportionate control over consumer
12 provider agreements, and the contracts offered consumers are essentially "take it or leave it"
13 propositions, where if the consumer wants Internet or telecommunications service has to either
14 agree to all terms and conditions of an internet or telecommunications service agreement, or not
15 get service, and the service agreements may require that the consumer pay for time-periods when

16 the consumer is not receiving services. Therefore, the purpose of this section is to place
17 reasonable limitations on the billing practices of Internet or telecommunications providers to
18 assure that consumers are not required to pay for long service outages when he or she did not
19 receive services, and further, prohibit billing for these services in periods when the consumer is not
20 receiving Internet or telecommunications services.

21 (b) If an Internet or telecommunications service to a subscriber is interrupted for more than
22 five days (120) continuous hours, the subscriber shall, upon request, receive a credit or refund
23 from the Internet or telecommunications service provider, after 24 hours, in an amount that
24 represents the proportionate share of such service not received in a billing period, provided the
25 interruption is not caused by the subscriber.

26 (c) If a provider has violated any of the provisions of subsection (b) of this section, the
27 Attorney General shall seek a resolution of the violation and may maintain an action against the
28 Internet or telecommunications service provider to enforce the provisions of subsection (b) of this
29 section to recover the excessive costs billed to the customer, and a civil penalty may be assessed,
30 in an amount determined by the court, of not less than the cost of one month of service to the
31 customer or \$100, whichever is greater.

32 (d) If a provider has violated any of the provisions of subsection (b) of this section, any
33 affected subscriber may maintain an action against the Internet or telecommunications service
34 provider to enforce the provisions of subsection (b) of this section to recover any damages not
35 recoverable under subsection (c) of this section, that the subscriber has sustained, including, but
36 not limited to, reasonable attorney's fees.