

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

ENGROSSED

Committee Substitute

for

House Bill 2502

By Delegates Hillenbrand, Crouse, Butler, Shamblin,
Hall, Sheedy, Cooper, Linville, Brooks, Rohrbach, and
Holstein

[Originating in the Committee on Energy and Public
Works; Reported on March 18, 2025]

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); setting forth the purpose of the section; requiring providers to
5 automatically credit the customer's account for the lack of service proportional to the
6 number of days of disrupted services; establishing civil penalties; designating Attorney
7 General to enforce section; requiring providers provide certain data to the Consumer
8 Protection Division of the Attorney General and establishing confidentiality of same; and
9 providing these provisions do not apply to mobile service disruptions

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 continuous hours) to automatically credit the customer's account for the lack of
4 service proportional to the number of days of disrupted services and providers doing business in
5 this state from charging a customer for services that the customer has not received and further,
6 prohibiting billing of customer for services during an extended service interruption caused by the
7 provider. Therefore, the purpose of this section is to place reasonable limitations on the billing
8 practices of Internet or telecommunications providers to assure that consumers are not required to
9 pay for long service outages caused by the provider when he or she did not receive services, and
10 further, prohibit billing for these services in periods when the consumer is not receiving Internet or
11 telecommunications services.

12 (b) If an Internet or telecommunications service to a subscriber is interrupted for more than
13 five days ~~(120) continuous hours~~ (120 continuous hours) for reasons not outside the reasonable

14 control of the provider, including force majeure, the subscriber shall automatically receive a credit
15 or refund from the Internet or telecommunications service provider, in the next billing cycle, an
16 amount that represents the proportionate share of such service not received in a billing period,
17 provided the interruption is not caused by the subscriber.

18 (c) If a provider has violated any of the provisions of subsection (b) of this section, the
19 Attorney General may seek a resolution of the violation and may maintain an action against the
20 Internet or telecommunications service provider to enforce the provisions of subsection (b) of this
21 section to recover the excessive costs billed to the customer, and a civil penalty may be assessed,
22 in an amount determined by the court, of not less than the cost of one month of service to the
23 customer, but not more than \$5,000.

24 (d) Internet service providers shall provide data concerning the number of customers
25 receiving credits per month, the total dollar amount of credits provided per month, and the
26 geographic scope of outages of 120 hours or more for which credits were required. These reports
27 shall contain the same information provided to the Network Outage Reporting System and must be
28 provided monthly to the Consumer Protection Division of the Attorney General, not later than the
29 10th day after the end of the preceding month and reflect the preceding month's number of
30 outages. All such information provided to the Attorney General shall be held confidential, but may
31 be utilized by the Attorney General for data analysis and consumer protection. In months where
32 there are no outages for 120 hours or more for which credits were required, no report shall be
33 required.

34 (e) As defined by 47 U.S.C. §153, the provisions of §46A-6-111 do not apply to mobile
35 service disruptions.