

116TH CONGRESS
1ST SESSION

H. R. 1220

To amend the Communications Act of 1934 to provide for certain requirements relating to charges for internet, television, and voice services, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 14, 2019

Ms. ESHOO (for herself, Mr. TAKANO, Ms. NORTON, Mr. RYAN, Mr. BLUMENAUER, Mr. RASKIN, Mr. COURTNEY, Mr. BEYER, Ms. SCHAKOWSKY, and Mr. THOMPSON of California) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To amend the Communications Act of 1934 to provide for certain requirements relating to charges for internet, television, and voice services, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Truth-in-Billing, Rem-
5 edies, and User Empowerment over Fees Act of 2019”
6 or the “TRUE Fees Act of 2019”.

1 **SEC. 2. REQUIREMENTS RELATING TO CHARGES FOR COV-**
2 **ERED SERVICES.**

3 (a) IN GENERAL.—Title VII of the Communications
4 Act of 1934 (47 U.S.C. 601 et seq.) is amended by adding
5 at the end the following:

6 **“SEC. 723. REQUIREMENTS RELATING TO CHARGES FOR**
7 **COVERED SERVICES.**

8 “(a) TRANSPARENCY IN ADVERTISING.—

9 “(1) IN GENERAL.—A provider of a covered
10 service may not advertise the price of such service
11 unless the advertised price is the total amount that
12 the provider will charge for or relating to the provi-
13 sion of such service, including any related taxes, ad-
14 ministrative fees, equipment rental fees, or other
15 charges, to a consumer who accepts the offer made
16 in the advertisement.

17 “(2) EXCEPTION.—Paragraph (1) does not re-
18 quire a provider of a covered service to include in
19 the advertised price of the service any tax, fee, or
20 other charge that—

21 “(A) the provider is required to charge
22 under any provision of Federal law or of the
23 law of a State or political subdivision of a
24 State; and

25 “(B) is not uniform throughout the United
26 States.

1 “(b) TRANSPARENCY IN E-BILLING.—A provider of
2 a covered service may not provide a bill to a consumer
3 in an electronic format unless the provider—

4 “(1) provides the bill, or a notification that the
5 bill is available, by email or a functional equivalent
6 of email that permits the consumer to view the bill
7 or notification without having to access an online ac-
8 count or the functional equivalent of an online ac-
9 count or to take any similar additional steps; and

10 “(2) includes in the bill or notification provided
11 in accordance with paragraph (1) an itemized state-
12 ment that breaks down the total amount charged for
13 or relating to the provision of the covered service by
14 the amount charged for the provision of the service
15 itself and the amount of any related taxes, adminis-
16 trative fees, equipment rental fees, or other charges,
17 in the same level of detail as would be provided in
18 a paper bill.

19 “(c) REQUIREMENTS FOR INCREASES IN CHARGES.—

20 “(1) IN GENERAL.—In the case of a provider of
21 a covered service that enters into a contract with a
22 consumer for the provision of a covered service—

23 “(A) if the provider increases the total
24 amount charged for or relating to the provision
25 of the service under the contract, regardless of

1 the amount of the increase or whether the in-
2 crease is in the amount charged for the provi-
3 sion of the service itself or in any related taxes,
4 administrative fees, equipment rental fees, or
5 other charges, the provider shall—

6 “(i) provide the consumer with clear
7 notice of the increase not later than 21
8 days before the increase takes effect, in the
9 same manner in which the provider pro-
10 vides to the consumer a notification that
11 the consumer’s bill is available (or, if no
12 separate notification is provided, in the
13 same manner as the provider provides the
14 consumer’s bill to the consumer); and

15 “(ii) permit the consumer to termi-
16 nate the contract without paying any early
17 termination fee or other penalty; and

18 “(B) the provider may not increase any fee
19 or other charge for equipment rental unless the
20 equipment is upgraded (whether through a
21 hardware or software upgrade) so as to provide
22 a substantial increase in functionality.

23 “(2) EXCEPTION FOR ADDITIONAL OR UP-
24 GRADED SERVICE REQUESTED BY CONSUMER.—

25 Paragraph (1)(A) does not apply with respect to an

1 increase resulting from the provision, at the request
2 of the consumer, of a service that is in addition to,
3 or an upgrade of, a service covered by the contract.

4 “(d) PROHIBITION ON COMPULSORY ALTERNATIVE
5 DISPUTE RESOLUTION.—

6 “(1) PROHIBITION ON CONTRACTUAL PROVI-
7 SION.—A provider of a covered service may not in-
8 clude in a contract with a consumer for the provision
9 of a covered service a provision that requires the
10 consumer to resolve a covered dispute with the pro-
11 vider through alternative dispute resolution.

12 “(2) UNENFORCEABILITY OF CONTRACTUAL
13 PROVISION.—Any alternative dispute resolution pro-
14 vision included in a contract in violation of para-
15 graph (1) shall be void and unenforceable.

16 “(e) DEFINITIONS.—In this section:

17 “(1) ALTERNATIVE DISPUTE RESOLUTION.—
18 The term ‘alternative dispute resolution’ has the
19 meaning given such term in section 3 of the Y2K
20 Act (15 U.S.C. 6602).

21 “(2) COVERED DISPUTE.—The term ‘covered
22 dispute’ means a dispute between a provider of a
23 covered service and a consumer in which the con-
24 sumer alleges that—

1 “(A) the amount charged by the provider
2 for or relating to the provision of the service
3 (including any related taxes, administrative
4 fees, equipment rental fees, or other charges)—

5 “(i) was increased without notice
6 being provided to the consumer as required
7 by subsection (c)(1)(A)(i); or

8 “(ii) during the period covered by any
9 promotional rate or other discount that
10 was included in the price that the con-
11 sumer agreed to pay for or relating to the
12 provision of the covered service, did not re-
13 flect the promotional rate or other dis-
14 count; or

15 “(B) the provider billed the consumer—

16 “(i) for the provision of a service (or
17 for any related taxes, administrative fees,
18 or other charges) to which the consumer
19 did not subscribe during the period covered
20 by the bill; or

21 “(ii) for rental of equipment (or for
22 any related taxes, administrative fees, or
23 other charges) that the consumer did not
24 rent during the period covered by the bill.

1 “(3) COVERED SERVICE.—The term ‘covered
2 service’—

3 “(A) means—

4 “(i) internet access service;

5 “(ii) voice service (as defined in sec-
6 tion 227(e)(8));

7 “(iii) commercial mobile service (as
8 defined in section 332);

9 “(iv) commercial mobile data service
10 (as defined in section 6001 of the Middle
11 Class Tax Relief and Job Creation Act of
12 2012 (47 U.S.C. 1401)); and

13 “(v) service provided by a multi-
14 channel video programming distributor (as
15 defined in section 602), to the extent such
16 distributor is acting as a multichannel
17 video programming distributor; and

18 “(B) includes any other service offered or
19 provided as part of a bundle or package with
20 any service referred to in subparagraph (A).

21 “(4) INTERNET ACCESS SERVICE.—The term
22 ‘internet access service’—

23 “(A) means a mass-market retail service
24 by wire or radio that provides the capability to
25 transmit data to and receive data from all or

1 substantially all internet endpoints, including
2 any capabilities that are incidental to and en-
3 able the operation of the communications serv-
4 ice; and

5 “(B) also includes any service that—

6 “(i) the Commission finds to be pro-
7 viding a functional equivalent of the service
8 described in subparagraph (A); or

9 “(ii) is used to evade the protections
10 set forth in this section.”.

11 (b) TRANSITIONAL RULE RELATING TO DEFINITION
12 OF VOICE SERVICE.—Subsection (e)(3)(A)(ii) of section
13 723 of the Communications Act of 1934, as added by sub-
14 section (a) of this section, shall apply before the effective
15 date of the amendment made to subsection (e)(8) of sec-
16 tion 227 of such Act (47 U.S.C. 227) by subparagraph
17 (C) of section 503(a)(2) of division P of the Consolidated
18 Appropriations Act, 2018 (Public Law 115–141) as if
19 such amendment was already in effect.

20 (c) EFFECTIVE DATE.—Section 723 of the Commu-
21 nications Act of 1934, as added by subsection (a) of this
22 section, shall apply beginning on the date that is 180 days
23 after the date of the enactment of this Act, except that
24 subsections (c) and (d) of such section 723 shall not apply
25 with respect to a contract entered into, and as in effect,

1 before the date that is 180 days after the date of the en-
2 actment of this Act.

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