

Senator Curtis S. Bramble proposes the following substitute bill:

TELECOMMUNICATIONS REGULATORY AMENDMENTS

2012 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Curtis S. Bramble

House Sponsor: John Dougall

LONG TITLE

General Description:

This bill enacts provisions relating to specified Internet communication services.

Highlighted Provisions:

This bill:

- ▶ provides definitions;
- ▶ prohibits the state and a political subdivision of the state from regulating Internet protocol-enabled service or voice over Internet protocol service; and
- ▶ specifies what the prohibition does not affect.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

54-19-101, Utah Code Annotated 1953

54-19-102, Utah Code Annotated 1953

54-19-103, Utah Code Annotated 1953



26 *Be it enacted by the Legislature of the state of Utah:*

27 Section 1. Section **54-19-101** is enacted to read:

28 **CHAPTER 19. REGULATION OF INTERNET PROTOCOL SERVICES**

29 **54-19-101. Title.**

30 This chapter is known as "Regulation of Internet Protocol Services."

31 Section 2. Section **54-19-102** is enacted to read:

32 **54-19-102. Definitions.**

33 (1) As used in this section:

34 (a) "Internet protocol-enabled service" means any service, functionality, or application
35 that uses Internet protocol or a successor protocol that enables an end-user to send or receive
36 voice, data, or video communications.

37 (b) "Voice over Internet protocol service" means any service that:

38 (i) enables real time, two-way voice communication originating from or terminating at
39 the user's location ~~§~~ → **in Internet protocol or a successor protocol** ← ~~§~~ ;

40 (ii) uses a broadband connection from the user's location; and

41 (iii) permits a user to receive a telephone call that originates on the public switched
42 telephone network and ~~§~~ → **[terminates the] to terminate a** ← ~~§~~ call to the public switched
42a telephone network.

43 Section 3. Section **54-19-103** is enacted to read:

44 **54-19-103. Authority over Internet protocol-enabled services and voice over**
45 **Internet protocol services.**

46 (1) A state agency and political subdivision of the state may not, directly or indirectly,
47 regulate Internet protocol-enabled service or voice over Internet protocol service.

48 (2) The regulatory prohibition in Subsection (1) does not:

49 (a) affect or limit the enforcement of criminal or civil laws, including consumer
50 protection and unfair or deceptive trade practice laws, that apply to the conduct of business;

51 (b) affect, limit, or prohibit the current or future assessment of:

52 (i) a tax;

53 (ii) a 911 fee;

54 (iii) a universal service fund fee;

55 (vi) a telecommunication relay fee; or

56 (v) a public utility regulatory fee;

57 (c) affect or modify:

58 (i) a right or obligation of any telecommunications carrier ~~§~~ under 47 U.S.C. Sec. 251

58a and 47 U.S.C. Sec. 252 ~~§~~ ;

58b ~~§~~ **→ (ii) any commission obligation to implement or enforce federal law; ~~§~~**

59 ~~§~~ **→ [(iii)] (iii) ~~§~~** a duty or power of the commission, under 47 U.S.C. Section 251 and 47

59a U.S.C.

60 Section 252, including arbitration and enforcement of an interconnection agreement;

61 ~~§~~ **→ [(iii)] (iv) ~~§~~** any obligation for the provision of video service by any person; or

62 ~~§~~ **→ [(iv)] (v) ~~§~~** the application of Section 54-8b-2.1; or

63 (f) affect the authority of the state or a political subdivision of the state to manage the

64 use of a public right of way, including any requirement for the joint use of utility poles or other

65 structures in the right of way.