



## 102ND GENERAL ASSEMBLY

### State of Illinois

2021 and 2022

SB3748

Introduced 1/21/2022, by Sen. Doris Turner

#### SYNOPSIS AS INTRODUCED:

New Act

Creates the Broadband Truth in Advertising Act. Includes legislative findings and purpose. Defines terms. Provides that it is unlawful for any broadband service provider to advertise any false, misleading, or deceptive information. Provides standards to protect the consumer interest in broadband service advertisements. Provides that every provider offering broadband service in the State must submit to the Illinois Commerce Commission and the Office of Broadband data describing all available broadband service plans, terms, conditions, rates, fees, advertised downstream data rate, actual average downstream data rate, advertised upstream data rate, actual upstream data rate, available service territory, outages in the year prior, and number of State customers on or before October 15 each year. Provides that the information shall be made accessible to the residents of the State in a format that enables a reasonable consumer to use the information when evaluating options for broadband services. Provides that the Office of Broadband shall study the efficacy of existing broadband service, truth in advertising for broadband service, and broadband affordability, and the Office of Broadband shall issue its report to the General Assembly no later than October 1, 2023. Effective immediately.

LRB102 24346 AMQ 33580 b

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the  
5 Broadband Truth in Advertising Act.

6 Section 5. Legislative findings and purpose. The General  
7 Assembly finds as follows:

8 (1) fair and equitable access to broadband is  
9 essential to (i) facilitate modern communication among the  
10 residents of the State, (ii) maximize educational and  
11 research opportunities and resources, (iii) foster civic  
12 engagement, (iv) engage in modern economic activity, (v)  
13 access telehealthcare services, (vi) inform the residents  
14 of the State of current events, (vii) participate in a  
15 global economy, and (viii) participate in farming in the  
16 State;

17 (2) fair and equitable access to broadband is  
18 especially critical when public health, climate, and other  
19 emergencies render in-person participation in day-to-day  
20 activities unsafe;

21 (3) fair and equitable access to broadband means  
22 broadband that is affordable, reliable, and upload and  
23 download speeds that enable users to engage in real time;

1 and

2 (4) truthful, nonmisleading advertising is essential  
3 to advance the State's interest in fair and equitable  
4 access to broadband.

5 Section 10. Definitions. As used in this Act:

6 "Advertise" or "advertisement" means the solicitation,  
7 marketing, or promotion by means of hand bills, posters,  
8 circulars, motion pictures, radio, newspaper, television,  
9 internet, subscription-based entertainment streaming, or other  
10 media source. "Advertise" or "advertisement" includes a  
11 description of the terms of service.

12 "Broadband" or "broadband service" means lines, or  
13 wireless channels, that terminate at an end-user location and  
14 enable the end-user to receive information from or send  
15 information to the internet.

16 "Downstream data rate" means the transmission speed from  
17 the service provider source to the end-user.

18 "Upstream data rate" means the transmission speed from the  
19 end-user to the service provider source.

20 Section 15. Broadband truth in advertising.

21 (a) It shall be unlawful for any broadband service  
22 provider to advertise any false, misleading, or deceptive  
23 information.

24 (b) It shall be unlawful for any broadband service

1 provider to publish or display, or cause or permit to be  
2 published or displayed, any advertisement for broadband  
3 service unless such advertisement is consistent with the  
4 following standards deemed to protect the consumer interest:

5 (1) Any statement advertising the maximum capable  
6 upstream data rate or downstream data rate of a broadband  
7 service plan shall also disclose the average actual  
8 upstream data rate, the average actual downstream data  
9 rate, and frequency of outages.

10 (2) Any statement advertising the cost of broadband  
11 service shall also disclose the cost in terms of price per  
12 gigabit, applicable monthly rates, and any additional  
13 one-time and recurring fees for service.

14 (3) Any statement advertising broadband service shall  
15 also disclose whether additional costs or periodic fees  
16 are necessary to obtain equipment and installation thereof  
17 that is necessary for the delivery of broadband service.

18 (4) All disclosures required by this subsection must  
19 be equal type, prominence, and volume as the advertised  
20 material.

21 Section 20. Data collection and publication.

22 (a) Every provider offering broadband service in the State  
23 must submit to the Illinois Commerce Commission and the Office  
24 of Broadband data describing all available broadband service  
25 plans, terms, conditions, rates, fees, advertised downstream

1 data rate, actual average downstream data rate, advertised  
2 upstream data rate, actual upstream data rate, available  
3 service territory, outages in the year prior, and number of  
4 State customers on or before October 15 each year in the form  
5 prescribed by the Illinois Commerce Commission and the Office  
6 of Broadband.

7 (b) The Illinois Commerce Commission and the Office of  
8 Broadband shall collaborate to make the information provided  
9 pursuant to subsection (a) accessible to the residents of the  
10 State in a format that enables a reasonable consumer to use  
11 this information when evaluating options for broadband  
12 service.

13 (c) Every provider offering broadband service in the State  
14 must submit to the Office of Broadband all advertisements made  
15 available in the State during the previous 365 days on or  
16 before September 1 each year.

17 Section 25. Report to the General Assembly.

18 (a) In furtherance of the purpose of this Act to provide  
19 fair and equitable access to broadband service, the Office of  
20 Broadband shall study the efficacy of existing broadband  
21 service, truth in advertising for broadband service, and  
22 broadband affordability.

23 (b) The Office of Broadband shall issue a report on its  
24 findings and recommendations for any necessary legislation to  
25 the General Assembly no later than October 1, 2023.

1           Section 97. Severability. The provisions of this Act are  
2 severable under Section 1.31 of the Statute on Statutes.

3           Section 99. Effective date. This Act takes effect upon  
4 becoming law.