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(Original Signature of Member)

115TH CONGRESS
2D SESSION

H. R. _____

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

Ms. ESHOO introduced the following bill; which was referred to the Committee
on _____

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 2018”
6 or the “TRUE Fees Act of 2018”.

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 a
2 covered service may not provide a bill to a consumer in
3 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) the provider may not increase the
24 total amount charged for or relating to the pro-
25 vision of the service under the contract, includ-

1 ing any related taxes, administrative fees,
2 equipment rental fees, or other charges, unless
3 the increase is the result of an objectively quan-
4 tifiable increase in the cost to the provider of
5 providing the service, as demonstrated through
6 a change in an indicator such as a prime inter-
7 est rate or a tax applicable to the service;

8 “(B) if the provider increases such total
9 amount, regardless of the amount of the in-
10 crease or whether the increase is in the amount
11 charged for the provision of the service itself or
12 in any related taxes, administrative fees, equip-
13 ment rental fees, or other charges, the provider
14 shall—

15 “(i) provide the consumer with clear
16 notice of the increase not later than 21
17 days before the increase takes effect, in the
18 same manner in which the provider pro-
19 vides to the consumer a notification that
20 the consumer’s bill is available (or, if no
21 separate notification is provided, in the
22 same manner as the provider provides the
23 consumer’s bill to the consumer); and

1 “(ii) permit the consumer to termi-
2 nate the contract without paying any early
3 termination fee or other penalty; and

4 “(C) the provider may not increase any fee
5 or other charge for equipment rental unless the
6 equipment is upgraded (whether through a
7 hardware or software upgrade) so as to provide
8 a substantial increase in functionality.

9 “(2) EXCEPTION FOR ADDITIONAL OR UP-
10 GRADED SERVICE REQUESTED BY CONSUMER.—Sub-
11 paragraphs (A) and (B) of paragraph (1) do not
12 apply with respect to an increase resulting from the
13 provision, at the request of the consumer, of a serv-
14 ice that is in addition to, or an upgrade of, a service
15 covered by the contract.

16 “(d) PROHIBITION ON COMPULSORY ALTERNATIVE
17 DISPUTE RESOLUTION.—

18 “(1) PROHIBITION ON CONTRACTUAL PROVI-
19 SION.—A provider of a covered service may not in-
20 clude in a contract with a consumer for the provision
21 of a covered service a provision that requires the
22 consumer to resolve a covered dispute with the pro-
23 vider through alternative dispute resolution.

24 “(2) UNENFORCEABILITY OF CONTRACTUAL
25 PROVISION.—Any alternative dispute resolution pro-

1 vision included in a contract in violation of para-
2 graph (1) shall be void and unenforceable.

3 “(e) DEFINITIONS.—In this section:

4 “(1) ALTERNATIVE DISPUTE RESOLUTION.—

5 The term ‘alternative dispute resolution’ has the
6 meaning given such term in section 3 of the Y2K
7 Act (15 U.S.C. 6602).

8 “(2) COVERED DISPUTE.—The term ‘covered
9 dispute’ means a dispute between a provider of a
10 covered service and a consumer in which the con-
11 sumer alleges that—

12 “(A) the amount charged by the provider
13 for or relating to the provision of the service
14 (including any related taxes, administrative
15 fees, equipment rental fees, or other charges)—

16 “(i) was increased without notice
17 being provided to the consumer as required
18 by subsection (c)(1)(B)(i); or

19 “(ii) during the period covered by any
20 promotional rate or other discount that
21 was included in the price that the con-
22 sumer agreed to pay for or relating to the
23 provision of the covered service, did not re-
24 flect the promotional rate or other dis-
25 count; or

1 “(B) the provider billed the consumer—

2 “(i) for the provision of a service (or
3 for any related taxes, administrative fees,
4 or other charges) to which the consumer
5 did not subscribe during the period covered
6 by the bill; or

7 “(ii) for rental of equipment (or for
8 any related taxes, administrative fees, or
9 other charges) that the consumer did not
10 rent during the period covered by the bill.

11 “(3) COVERED SERVICE.—The term ‘covered
12 service’—

13 “(A) means—

14 “(i) internet access service;

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

17 “(iii) commercial mobile service (as
18 defined in section 332);

19 “(iv) commercial mobile data service
20 (as defined in section 6001 of the Middle
21 Class Tax Relief and Job Creation Act of
22 2012 (47 U.S.C. 1401)); and

23 “(v) service provided by a multi-
24 channel video programming distributor (as
25 defined in section 602), to the extent such

1 distributor is acting as a multichannel
2 video programming distributor; and

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

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

8 “(A) means a mass-market retail service
9 by wire or radio that provides the capability to
10 transmit data to and receive data from all or
11 substantially all internet endpoints, including
12 any capabilities that are incidental to and en-
13 able the operation of the communications serv-
14 ice; and

15 “(B) also includes any service that—

16 “(i) the Commission finds to be pro-
17 viding a functional equivalent of the service
18 described in subparagraph (A); or

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

21 (b) TRANSITIONAL RULE RELATING TO DEFINITION
22 OF VOICE SERVICE.—Subsection (e)(3)(A)(ii) of section
23 723 of the Communications Act of 1934, as added by sub-
24 section (a) of this section, shall apply before the effective
25 date of the amendment made to subsection (e)(8) of sec-

1 tion 227 of such Act (47 U.S.C. 227) by subparagraph
2 (C) of section 503(a)(2) of division P of the Consolidated
3 Appropriations Act, 2018 (Public Law 115–141) as if
4 such amendment was already in effect.

5 (c) EFFECTIVE DATE.—Section 723 of the Commu-
6 nications Act of 1934, as added by subsection (a) of this
7 section, shall apply beginning on the date that is 180 days
8 after the date of the enactment of this Act, except that
9 subsections (c) and (d) of such section 723 shall not apply
10 with respect to a contract entered into, and as in effect,
11 before the date that is 180 days after the date of the en-
12 actment of this Act.