



State of Wisconsin
2021 - 2022 LEGISLATURE

LRB-6148/1
MCP:cdc

2021 SENATE BILL 1099

March 10, 2022 - Introduced by Senator SMITH, cosponsored by Representative VRUWINK. Referred to Committee on Utilities, Technology and Telecommunications.

1 **AN ACT to amend** 100.20 (1v), 100.20 (5) and 100.20 (6); and **to create** 100.2085
2 of the statutes; **relating to:** advertising broadband and other Internet speeds
3 and providing a standardized broadband label.

Analysis by the Legislative Reference Bureau

Under this bill, no person may advertise as providing broadband service or sell a service that the person represents as being broadband service unless the service is capable of consistently providing a minimum download speed of 25 megabits per second (Mbps) and a minimum upload speed of 3 Mbps, or the minimum download and upload speeds to meet the Federal Communications Commission's designation as an advanced telecommunications capability, whichever is greater. Also under the bill, no person may advertise as providing Internet service at a specific speed or sell Internet service that the person represents as being at a specific speed unless the service is capable of consistently providing that speed. If a person sells a service represented as broadband service that does not meet the broadband speed requirements, or sells Internet service represented as being at a specific speed that does not provide that speed, the consumer is entitled to terminate the contract and receive a refund unless the service provider brings the speeds up to the advertised speeds within one month of receiving notice from the consumer.

The bill also requires any person selling broadband service in this state to provide a standardized consumer label that shows important consumer information, on a template provided by the Federal Communications Commission, to each broadband customer before a sale and to make these labels easily available to potential customers.

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Under the bill, a person who violates the provisions of the bill is subject to existing penalties under current law, which provide for a fine of up to \$200 or imprisonment for not more than six months or both. The bill also provides that a violation of the provisions of the bill is an unfair method of competition in business or an unfair trade practice, and that a person who suffers pecuniary loss because of a violation may sue for damages and recover twice the amount of pecuniary loss as well as reasonable attorney fees.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 100.20 (1v) of the statutes is amended to read:

2 100.20 (1v) It is an unfair method of competition in business or an unfair trade
3 practice for a person or business entity to violate s. 100.2085 (1) or (2) or 100.70 (1).

4 **SECTION 2.** 100.20 (5) of the statutes is amended to read:

5 100.20 (5) Any person suffering pecuniary loss because of a violation by any
6 other person of s. 100.2085 or 100.70 or any order issued under this section may sue
7 for damages therefor in any court of competent jurisdiction and shall recover twice
8 the amount of such pecuniary loss, together with costs, including a reasonable
9 attorney fee.

10 **SECTION 3.** 100.20 (6) of the statutes is amended to read:

11 100.20 (6) The department may commence an action in circuit court in the
12 name of the state to restrain by temporary or permanent injunction the violation of
13 s. 100.2085 or 100.70 or any order issued under this section. The court may in its
14 discretion, prior to entry of final judgment make such orders or judgments as may
15 be necessary to restore to any person any pecuniary loss suffered because of the acts
16 or practices involved in the action, provided proof thereof is submitted to the
17 satisfaction of the court. The department may use its authority in ss. 93.14 and 93.15

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1 to investigate violations of s. 100.2085 or 100.70 or any order issued under this
2 section.

3 **SECTION 4.** 100.2085 of the statutes is created to read:

4 **100.2085 Broadband and other Internet services. (1)** BROADBAND AND
5 OTHER INTERNET SPEEDS. No person may do any of the following:

6 (a) Advertise or otherwise represent that the person provides broadband
7 service unless a service provided by the person is capable of consistently providing
8 a minimum download speed of 25 megabits per second and a minimum upload speed
9 of 3 megabits per second or the minimum upload and download speeds for advanced
10 telecommunications capability as designated by the federal communications
11 commission in its inquiries regarding advanced telecommunications capability
12 under 47 USC 1302 (b).

13 (b) Sell or offer to sell a service that the person represents, to a consumer
14 purchasing the service, as being broadband service, unless the service is capable of
15 consistently providing that consumer with a minimum download speed of 25
16 megabits per second and a minimum upload speed of 3 megabits per second or the
17 minimum upload and download speeds for advanced telecommunications capability
18 as designated by the federal communications commission in its inquiries regarding
19 advanced telecommunications capability under 47 USC 1302 (b).

20 (c) Advertise or otherwise represent that the person provides Internet service
21 at a specific minimum speed unless a service provided by the person is capable of
22 consistently providing that speed.

23 (d) Sell or offer to sell Internet service that the person represents, to a consumer
24 purchasing the service, as being a specific minimum speed, unless the service is
25 capable of consistently providing that consumer with that speed.

