



State of Wisconsin  
2017 - 2018 LEGISLATURE

LRB-4621/1  
MCP:emw

## 2017 SENATE BILL 846

February 21, 2018 - Introduced by Senators VINEHOUT, RINGHAND and CARPENTER, cosponsored by Representatives VRUWINK, ANDERSON, SARGENT, SPREITZER, NOVAK, SUBECK, BROSTOFF, POPE and BERCEAU. Referred to Committee on Elections and Utilities.

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.

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### *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. 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.

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

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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.

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*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, as created by 2017 Wisconsin Act 73, is  
2 amended to read:

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

5           **SECTION 2.** 100.20 (5) of the statutes, as affected by 2017 Wisconsin Act 73, is  
6 amended to read:

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

12           **SECTION 3.** 100.20 (6) of the statutes, as affected by 2017 Wisconsin Act 73, is  
13 amended to read:

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

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1 satisfaction of the court. The department may use its authority in ss. 93.14 and 93.15  
2 to investigate violations of s. 100.2085 or 100.70 or any order issued under this  
3 section.

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

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

7 (a) Advertise or otherwise represent that the person provides broadband  
8 service unless a service provided by the person is capable of consistently providing  
9 a minimum download speed of 25 megabits per second and a minimum upload speed  
10 of 3 megabits per second.

11 (b) Sell or offer to sell a service that the person represents, to a consumer  
12 purchasing the service, as being broadband service, unless the service is capable of  
13 consistently providing that consumer with a minimum download speed of 25  
14 megabits per second and a minimum upload speed of 3 megabits per second.

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

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

21 **(2) BROADBAND LABELS.** No person may sell or offer to sell broadband service in  
22 this state unless the person makes broadband labels easily available to potential  
23 consumers and provides a broadband label to every consumer before sale of the  
24 service to the consumer. A broadband label provided under this subsection shall use  
25 the templates for consumer labels for broadband service provided by the federal

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1 communications commission. A broadband label provided under this subsection  
2 may not contain any misleading or inaccurate information.

3 **(3) CONTRACT TERMINATION AND REFUND.** If a person makes a sale to a consumer  
4 in violation of sub. (1) (b) or (d), the consumer notifies the person in writing of the  
5 violation, and the person fails to remedy the violation within one month after  
6 receiving the notice, the consumer may terminate the consumer's contract with the  
7 person and receive a refund for all charges and fees that the consumer paid to the  
8 person.

9 **SECTION 5. Effective date.**

10 (1) This act takes effect on the first day of the 7th month beginning after  
11 publication.

12 (END)