Amends the Telecommunications Article of the Public Utilities Act. Requires broadband providers to publicly disclose accurate information regarding network management practices, performance, and commercial terms of its broadband Internet access service sufficient for consumers to make informed choices concerning the use of the service. Restricts broadband providers from blocking lawful content, applications, services, or non-harmful devices subject to reasonable network management practices. Restricts broadband providers from impairing or degrading Internet traffic on the basis of content, application, or service. Restricts broadband providers from engaging in paid prioritization. Restricts broadband providers from unreasonably interfering with or unreasonably disadvantaging a consumer's ability to use the service or a content provider's ability to make content available to a customer. Provides that the Attorney General may enforce a violation of the provisions as an unlawful practice within the meaning of the Consumer Fraud and Deceptive Business Practices Act. Amends the Consumer Fraud and Deceptive Business Practices Act to make conforming changes. Effective immediately.
AN ACT concerning regulation.

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

Section 5. The Public Utilities Act is amended by adding Section 13-805 as follows:

(220 ILCS 5/13-805 new)


(a) As used in this Section:

"Broadband Internet access service" means a mass-market retail service that provides the capability to transmit data to and receive data from all or substantially all Internet endpoints, including any capabilities that are incidental to and enable the operation of the communications service, but excluding dial-up Internet access service. "Broadband Internet access service" includes any service that the Federal Communications Commission finds to be providing a functional equivalent of broadband Internet access service.

"Paid prioritization" means the management of a broadband provider's network to directly or indirectly favor some traffic over other traffic, including through the use of techniques such as traffic shaping, prioritization, resource reservation, or other forms of preferential traffic management, either in exchange for consideration from a third party or to benefit an
"Reasonable network management" means a practice determined by the Commission to be a primarily technical network management justification, but does not include other business practices. A network management practice is reasonable if it is primarily used for and tailored to achieving a legitimate network management purpose, taking into account the particular network architecture and technology of the broadband Internet access service.

(b) A person or entity providing broadband Internet access service in this State shall publicly disclose accurate information regarding the network management practices, performance, and commercial terms of its broadband Internet access services sufficient for consumers to make informed choices regarding the use of such services and for content, application, service, and device providers to develop, market, and maintain Internet offerings.

(c) A person or entity providing broadband Internet access service in this State may not:

(1) block lawful content, applications, services, or non-harmful devices subject to reasonable network management practices as determined by the Commission;

(2) impair or degrade lawful Internet traffic on the basis of Internet content, application, or service or use of a non-harmful device subject to reasonable network management practices as determined by the Commission;
(3) engage in paid prioritization, including, but not limited to, traffic shaping, prioritization, resource reservation, or other forms of preferential traffic management either in exchange for consideration from a third party or benefit to an affiliated entity; or

(4) unreasonably interfere with, or unreasonably disadvantage, either a customer's ability to select, access, and use broadband Internet access service or lawful Internet content, applications, services, or devices of the customer's choice or a content provider's ability to make lawful content, applications, services, or devices available to a customer.

(d) The Attorney General may enforce a violation of this Section as an unlawful practice within the meaning of the Consumer Fraud and Deceptive Business Practices Act.

Section 10. The Consumer Fraud and Deceptive Business Practices Act is amended by changing Section 2Z as follows:

(815 ILCS 505/2Z) (from Ch. 121 1/2, par. 262Z)

Sec. 2Z. Violations of other Acts. Any person who knowingly violates the Automotive Repair Act, the Automotive Collision Repair Act, the Home Repair and Remodeling Act, the Dance Studio Act, the Physical Fitness Services Act, the Hearing Instrument Consumer Protection Act, the Illinois Union Label Act, the Installment Sales Contract Act, the Job Referral and
Job Listing Services Consumer Protection Act, the Travel Promotion Consumer Protection Act, the Credit Services Organizations Act, the Automatic Telephone Dialers Act, the Pay-Per-Call Services Consumer Protection Act, the Telephone Solicitations Act, the Illinois Funeral or Burial Funds Act, the Cemetery Oversight Act, the Cemetery Care Act, the Safe and Hygienic Bed Act, the Illinois Pre-Need Cemetery Sales Act, the High Risk Home Loan Act, the Payday Loan Reform Act, the Mortgage Rescue Fraud Act, subsection (a) or (b) of Section 3-10 of the Cigarette Tax Act, subsection (a) or (b) of Section 3-10 of the Cigarette Use Tax Act, the Electronic Mail Act, the Internet Caller Identification Act, paragraph (6) of subsection (k) of Section 6-305 of the Illinois Vehicle Code, Section 11-1431, 18d-115, 18d-120, 18d-125, 18d-135, 18d-150, or 18d-153 of the Illinois Vehicle Code, Article 3 of the Residential Real Property Disclosure Act, the Automatic Contract Renewal Act, the Reverse Mortgage Act, Section 25 of the Youth Mental Health Protection Act, the Personal Information Protection Act, or the Student Online Personal Protection Act, or Section 13-805 of the Public Utilities Act commits an unlawful practice within the meaning of this Act.

(Source: P.A. 99-331, eff. 1-1-16; 99-411, eff. 1-1-16; 99-642, eff. 7-28-16; 100-315, eff. 8-24-17; 100-416, eff. 1-1-18; revised 10-6-17.)

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

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