101ST GENERAL ASSEMBLY
State of Illinois
2019 and 2020
HB5319

by Rep. Theresa Mah

SYNOPSIS AS INTRODUCED:

220 ILCS 5/22-501

Amends the Public Utilities Act. Provides that cable or video providers shall cease charging customers for modems and routers, whether rented together or separately, when the customer has paid to the provider the wholesale cost of the modem or router, or modem and router if rented together, plus a reasonable mark-up not to exceed 5% of the modem, router, or modem and router wholesale cost to the provider. Provides that the cable and video provider shall provide notice regarding the discontinuance of rental charges to the customer in each billing statement. Provides that the notice shall include a disclosure of rights and responsibilities relating to the maintenance of modems and routers.
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 changing Section 22-501 as follows:

(220 ILCS 5/22-501)

Sec. 22-501. Customer service and privacy protection. All cable or video providers in this State shall comply with the following customer service requirements and privacy protections. The provisions of this Act shall not apply to an incumbent cable operator prior to January 1, 2008. For purposes of this paragraph, an incumbent cable operator means a person or entity that provided cable services in a particular area under a franchise agreement with a local unit of government pursuant to Section 11-42-11 of the Illinois Municipal Code or Section 5-1095 of the Counties Code on January 1, 2007. A master antenna television, satellite master antenna television, direct broadcast satellite, multipoint distribution service, and other provider of video programming shall only be subject to the provisions of this Article to the extent permitted by federal law.

The following definitions apply to the terms used in this Article:
"Basic cable or video service" means any service offering or tier that includes the retransmission of local television broadcast signals.

"Cable or video provider" means any person or entity providing cable service or video service pursuant to authorization under (i) the Cable and Video Competition Law of 2007; (ii) Section 11-42-11 of the Illinois Municipal Code; (iii) Section 5-1095 of the Counties Code; or (iv) a master antenna television, satellite master antenna television, direct broadcast satellite, multipoint distribution services, and other providers of video programming, whatever their technology. A cable or video provider shall not include a landlord providing only broadcast video programming to a single-family home or other residential dwelling consisting of 4 units or less.

"Franchise" has the same meaning as found in 47 U.S.C. 522(9).

"Local unit of government" means a city, village, incorporated town, or a county.

"Normal business hours" means those hours during which most similar businesses in the geographic area of the local unit of government are open to serve customers. In all cases, "normal business hours" must include some evening hours at least one night per week or some weekend hours.

"Normal operating conditions" means those service conditions that are within the control of cable or video
providers. Those conditions that are not within the control of
cable or video providers include, but are not limited to,
natural disasters, civil disturbances, power outages,
television network outages, and severe or unusual weather
conditions. Those conditions that are ordinarily within the
control of cable or video providers include, but are not
limited to, special promotions, pay-per-view events, rate
increases, regular peak or seasonal demand periods, and
maintenance or upgrade of the cable service or video service
network.

"Service interruption" means the loss of picture or sound
on one or more cable service or video service on one or more
cable or video channels.

"Service line drop" means the point of connection between a
premises and the cable or video network that enables the
premises to receive cable service or video service.

(a) General customer service standards:

(1) Cable or video providers shall establish general
standards related to customer service, which shall
include, but not be limited to, installation,
disconnection, service and repair obligations; appointment
hours and employee ID requirements; customer service
telephone numbers and hours; procedures for billing,
charges, deposits, refunds, and credits; procedures for
termination of service; notice of deletion of programming
service; changes related to transmission of programming;
changes or increases in rates; the use and availability of parental control or lock-out devices; the use and availability of an A/B switch if applicable; complaint procedures and procedures for bill dispute resolution; a description of the rights and remedies available to consumers if the cable or video provider does not materially meet its customer service standards; and special services for customers with visual, hearing, or mobility disabilities.

(2) Cable or video providers' rates for each level of service, rules, regulations, and policies related to its cable service or video service described in paragraph (1) of this subsection (a) must be made available to the public and displayed clearly and conspicuously on the cable or video provider's site on the Internet. If a promotional price or a price for a specified period of time is offered, the cable or video provider shall display the price at the end of the promotional period or specified period of time clearly and conspicuously with the display of the promotional price or price for a specified period of time. The cable or video provider shall provide this information upon request.

(3) Cable or video providers shall provide notice concerning their general customer service standards to all customers. This notice shall be offered when service is first activated and upon request thereafter. The
information in the notice shall also be available on the
cable or video providers' websites and shall include all of
the information specified in paragraph (1) of this
subsection (a), as well as the following: a listing of
services offered by the cable or video providers, which
shall clearly describe programming for all services and all
levels of service; the rates for all services and levels of
service; a telephone number through which customers may
subscribe to, change, or terminate service, request
customer service, or seek general or billing information;
instructions on the use of the cable or video services; and
a description of rights and remedies that the cable or
video providers shall make available to their customers if
they do not materially meet the general customer service
standards described in this Act.

(b) General customer service obligations:

(1) Cable or video providers shall render reasonably
efficient service, promptly make repairs, and interrupt
service only as necessary and for good cause, during
periods of minimum use of the system and for no more than
24 hours.

(2) All service representatives or any other person who
contacts customers or potential customers on behalf of the
cable or video provider shall have a visible identification
card with their name and photograph and shall orally
identify themselves upon first contact with the customer.
Customer service representatives shall orally identify themselves to callers immediately following the greeting during each telephone contact with the public.

(3) The cable or video providers shall: (i) maintain a customer service facility within the boundaries of a local unit of government staffed by customer service representatives that have the capacity to accept payment, adjust bills, and respond to repair, installation, reconnection, disconnection, or other service calls and distribute or receive converter boxes, remote control units, digital stereo units, or other equipment related to the provision of cable or video service; (ii) provide customers with bill payment facilities through retail, financial, or other commercial institutions located within the boundaries of a local unit of government; (iii) provide an address, toll-free telephone number or electronic address to accept bill payments and correspondence and provide secure collection boxes for the receipt of bill payments and the return of equipment, provided that if a cable or video provider provides secure collection boxes, it shall provide a printed receipt when items are deposited; or (iv) provide an address, toll-free telephone number, or electronic address to accept bill payments and correspondence and provide a method for customers to return equipment to the cable or video provider at no cost to the customer.
(4) In each contact with a customer, the service representatives or any other person who contacts customers or potential customers on behalf of the cable or video provider shall state the estimated cost of the service, repair, or installation orally prior to delivery of the service or before any work is performed, shall provide the customer with an oral statement of the total charges before terminating the telephone call or other contact in which a service is ordered, whether in-person or over the Internet, and shall provide a written statement of the total charges before leaving the location at which the work was performed. In the event that the cost of service is a promotional price or is for a limited period of time, the cost of service at the end of the promotion or limited period of time shall be disclosed.

(5) Cable or video providers shall provide customers a minimum of 30 days' written notice before increasing rates or eliminating transmission of programming and shall submit the notice of any rate increase to the local unit of government in advance of distribution to customers, provided that the cable or video provider is not in violation of this provision if the elimination of transmission of programming was outside the control of the provider, in which case the provider shall use reasonable efforts to provide as much notice as possible, and any rate decrease related to the elimination of transmission of
programming shall be applied to the date of the change.

(6) Cable or video providers shall provide clear visual and audio reception that meets or exceeds applicable Federal Communications Commission technical standards. If a customer experiences poor video or audio reception due to the equipment of the cable or video provider, the cable or video provider shall promptly repair the problem at its own expense.

(c) Bills, payment, and termination:

(1) Cable or video providers shall render monthly bills that are clear, accurate, and understandable.

(2) Every residential customer who pays bills directly to the cable or video provider shall have at least 28 days from the date of the bill to pay the listed charges.

(3) Customer payments shall be posted promptly. When the payment is sent by United States mail, payment is considered paid on the date it is postmarked.

(4) Cable or video providers may not terminate residential service for nonpayment of a bill unless the cable or video provider furnishes notice of the delinquency and impending termination at least 15 days prior to the proposed termination. Notice of proposed termination shall be mailed, postage prepaid, to the customer to whom service is billed. Notice of proposed termination shall not be mailed until the 24th day after the date of the bill for services. Notice of delinquency and impending termination
may be part of a billing statement only if the notice is
designed to be conspicuous. The cable or video providers
may not assess a late fee prior to the 24th day after the
date of the bill for service.

(5) Every notice of impending termination shall
include all of the following: the name and address of
customer; the amount of the delinquency; the date on which
payment is required to avoid termination; and the telephone
number of the cable or video provider's service
representative to make payment arrangements and to provide
additional information about the charges for failure to
return equipment and for reconnection, if any.

(6) Service may only be terminated on days when the
customer is able to reach a service representative of the
cable or video providers, either in person or by telephone.

(7) Any service terminated by a cable or video provider
without good cause shall be restored without any
reconnection fee, charge, or penalty; good cause for
termination includes, but is not limited to, failure to pay
a bill by the date specified in the notice of impending
termination, payment by check for which there are
insufficient funds, theft of service, abuse of equipment or
personnel, or other similar subscriber actions.

(8) Cable or video providers shall cease charging a
customer for any or all services within one business day
after it receives a request to immediately terminate
service or on the day requested by the customer if such a
date is at least 5 days from the date requested by the
customer. Nothing in this subsection (c) shall prohibit the
provider from billing for charges that the customer incurs
prior to the date of termination. Cable or video providers
shall issue a credit no later than the customer's next
billing cycle following the determination that a credit is
warranted. Cable or video providers shall issue a refund or
return a deposit promptly, but not later than either the
customer's next billing cycle following resolution of the
request or 30 days, whichever is earlier, or the return of
equipment, if any, whichever is later.

(9) The customers or subscribers of a cable or video
provider shall be allowed to disconnect their service at
any time within the first 30 days after subscribing to or
upgrading the service. Within this 30-day period, cable or
video providers shall not charge or impose any fees or
penalties on the customer for disconnecting service,
including, but not limited to, any installation charge or
the imposition of an early termination charge, except the
cable or video provider may impose a charge or fee to
offset any rebates or credits received by the customer and
may impose monthly service or maintenance charges,
including pay-per-view and premium services charges,
during such 30-day period.

(10) Cable or video providers shall cease charging
customers for modems and routers, whether rented together
or separately, when the customer has paid to the provider
the wholesale cost of the modem or router, or modem and
router if rented together, plus a reasonable mark-up not to
exceed 5% of the modem, router, or modem and router
wholesale cost to the provider. Cable and video providers
shall provide notice regarding the discontinuance of
rental charges to the customer in each billing statement.
The notice shall include a disclosure of rights and
responsibilities relating to the maintenance of modems and
routers.
(d) Response to customer inquiries:
   (1) Cable or video providers will maintain a toll-free
telephone access line that is available to customers 24
hours a day, 7 days a week to accept calls regarding
installation, termination, service, and complaints.
Trained, knowledgeable, qualified service representatives
of the cable or video providers will be available to
respond to customer telephone inquiries during normal
business hours. Customer service representatives shall be
able to provide credit, waive fees, schedule appointments,
and change billing cycles. Any difficulties that cannot be
resolved by the customer service representatives shall be
referred to a supervisor who shall make his or her best
efforts to resolve the issue immediately. If the supervisor
does not resolve the issue to the customer's satisfaction,
the customer shall be informed of the cable or video provider's complaint procedures and procedures for billing dispute resolution and given a description of the rights and remedies available to customers to enforce the terms of this Article, including the customer's rights to have the complaint reviewed by the local unit of government, to request mediation, and to review in a court of competent jurisdiction.

(2) After normal business hours, the access line may be answered by a service or an automated response system, including an answering machine. Inquiries received by telephone or e-mail after normal business hours shall be responded to by a trained service representative on the next business day. The cable or video provider shall respond to a written billing inquiry within 10 days of receipt of the inquiry.

(3) Cable or video providers shall provide customers seeking non-standard installations with a total installation cost estimate and an estimated date of completion. The actual charge to the customer shall not exceed the estimated cost without the written consent of the customer.

(4) If the cable or video provider receives notice that an unsafe condition exists with respect to its equipment, it shall investigate such condition immediately and shall take such measures as are necessary to remove or eliminate
the unsafe condition. The cable or video provider shall inform the local unit of government promptly, but no later than 2 hours after it receives notification of an unsafe condition that it has not remedied.

(5) Under normal operating conditions, telephone answer time by the cable or video provider's customer representative, including wait time, shall not exceed 30 seconds when the connection is made. If the call needs to be transferred, transfer time shall not exceed 30 seconds. These standards shall be met no less than 90% of the time under normal operating conditions, measured on a quarterly basis. The cable or video provider shall not be required to acquire equipment or perform surveys to measure compliance with these telephone answering standards unless an historical record of complaints indicates a clear failure to comply.

(6) Under normal operating conditions, the cable or video provider's customers will receive a busy signal less than 3% of the time.

(e) Under normal operating conditions, each of the following standards related to installations, outages, and service calls will be met no less than 95% of the time measured on a quarterly basis:

(1) Standard installations will be performed within 7 business days after an order has been placed. "Standard" installations are those that are located up to 125 feet
from the existing distribution system.

(2) Excluding conditions beyond the control of the cable or video providers, the cable or video providers will begin working on "service interruptions" promptly and in no event later than 24 hours after the interruption is reported by the customer or otherwise becomes known to the cable or video providers. Cable or video providers must begin actions to correct other service problems the next business day after notification of the service problem and correct the problem.

(3) The "appointment window" alternatives for installations, service calls, and other installation activities will be either a specific time or, at a maximum, a 4-hour time block during evening, weekend, and normal business hours. The cable or video provider may schedule service calls and other installation activities outside of these hours for the express convenience of the customer.

(4) Cable or video providers may not cancel an appointment with a customer after the close of business on the business day prior to the scheduled appointment. If the cable or video provider's representative is running late for an appointment with a customer and will not be able to keep the appointment as scheduled, the customer will be contacted. The appointment will be rescheduled, as necessary, at a time that is convenient for the customer, even if the rescheduled appointment is not within normal
business hours.

(f) Public benefit obligation:

(1) All cable or video providers offering service pursuant to the Cable and Video Competition Law of 2007, the Illinois Municipal Code, or the Counties Code shall provide a free service line drop and free basic service to all current and future public buildings within their footprint, including, but not limited to, all local unit of government buildings, public libraries, and public primary and secondary schools, whether owned or leased by that local unit of government ("eligible buildings"). Such service shall be used in a manner consistent with the government purpose for the eligible building and shall not be resold.

(2) This obligation only applies to those cable or video service providers whose cable service or video service systems pass eligible buildings and its cable or video service is generally available to residential subscribers in the same local unit of government in which the eligible building is located. The burden of providing such service at each eligible building shall be shared by all cable and video providers whose systems pass the eligible buildings in an equitable and competitively neutral manner, and nothing herein shall require duplicative installations by more than one cable or video provider at each eligible building. Cable or video
providers operating in a local unit of government shall meet as necessary and determine who will provide service to eligible buildings under this subsection (f). If the cable or video providers are unable to reach an agreement, they shall meet with the local unit of government, which shall determine which cable or video providers will serve each eligible building. The local unit of government shall bear the costs of any inside wiring or video equipment costs not ordinarily provided as part of the cable or video provider's basic offering.

(g) After the cable or video providers have offered service for one year, the cable or video providers shall make an annual report to the Commission, to the local unit of government, and to the Attorney General that it is meeting the standards specified in this Article, identifying the number of complaints it received over the prior year in the State and specifying the number of complaints related to each of the following: (1) billing, charges, refunds, and credits; (2) installation or termination of service; (3) quality of service and repair; (4) programming; and (5) miscellaneous complaints that do not fall within these categories.

(h) To the extent consistent with federal law, cable or video providers shall offer the lowest-cost basic cable or video service as a stand-alone service to residential customers at reasonable rates. Cable or video providers shall not require the subscription to any service other than the lowest-cost
basic service or to any telecommunications or information service, as a condition of access to cable or video service, including programming offered on a per channel or per program basis. Cable or video providers shall not discriminate between subscribers to the lowest-cost basic service, subscribers to other cable services or video services, and other subscribers with regard to the rates charged for cable or video programming offered on a per channel or per program basis.

(i) To the extent consistent with federal law, cable or video providers shall ensure that charges for changes in the subscriber's selection of services or equipment shall be based on the cost of such change and shall not exceed nominal amounts when the system's configuration permits changes in service tier selection to be effected solely by coded entry on a computer terminal or by other similarly simple method.

(j) To the extent consistent with federal law, cable or video providers shall have a rate structure for the provision of cable or video service that is uniform throughout the area within the boundaries of the local unit of government. This subsection (j) is not intended to prohibit bulk discounts to multiple dwelling units or to prohibit reasonable discounts to senior citizens or other economically disadvantaged groups.

(k) To the extent consistent with federal law, cable or video providers shall not charge a subscriber for any service or equipment that the subscriber has not affirmatively requested or affirmatively agreed to by name. For purposes of
this subsection (k), a subscriber's failure to refuse a cable
or video provider's proposal to provide service or equipment
shall not be deemed to be an affirmative request for such
service or equipment.

(l) No contract or service agreement containing an early
termination clause offering residential cable or video
services or any bundle including such services shall be for a
term longer than 2 years. Any contract or service offering with
a term of service that contains an early termination fee shall
limit the early termination fee to not more than the value of
any additional goods or services provided with the cable or
video services, the amount of the discount reflected in the
price for cable services or video services for the period
during which the consumer benefited from the discount, or a
deauling fee based on the remainder of the contract term.

(m) Cable or video providers shall not discriminate in the
provision of services for the hearing and visually impaired,
and shall comply with the accessibility requirements of 47
U.S.C. 613. Cable or video providers shall deliver and pick-up
or provide customers with pre-paid shipping and packaging for
the return of converters and other necessary equipment at the
home of customers with disabilities. Cable or video providers
shall provide free use of a converter or remote control unit to
mobility impaired customers.

(n)(1) To the extent consistent with federal law, cable or
video providers shall comply with the provisions of 47 U.S.C.
532(h) and (j). The cable or video providers shall not exercise any editorial control over any video programming provided pursuant to this Section, or in any other way consider the content of such programming, except that a cable or video provider may refuse to transmit any leased access program or portion of a leased access program that contains obscenity, indecency, or nudity and may consider such content to the minimum extent necessary to establish a reasonable price for the commercial use of designated channel capacity by an unaffiliated person. This subsection (n) shall permit cable or video providers to enforce prospectively a written and published policy of prohibiting programming that the cable or video provider reasonably believes describes or depicts sexual or excretory activities or organs in a patently offensive manner as measured by contemporary community standards.

(2) Upon customer request, the cable or video provider shall, without charge, fully scramble or otherwise fully block the audio and video programming of each channel carrying such programming so that a person who is not a subscriber does not receive the channel or programming.

(3) In providing sexually explicit adult programming or other programming that is indecent on any channel of its service primarily dedicated to sexually oriented programming, the cable or video provider shall fully scramble or otherwise fully block the video and audio portion of such channel so that a person who is not a
subscriber to such channel or programming does not receive it.

(4) Scramble means to rearrange the content of the signal of the programming so that the programming cannot be viewed or heard in an understandable manner.

(o) Cable or video providers will maintain a listing, specific to the level of street address, of the areas where its cable or video services are available. Customers who inquire about purchasing cable or video service shall be informed about whether the cable or video provider's cable or video services are currently available to them at their specific location.

(p) Cable or video providers shall not disclose the name, address, telephone number or other personally identifying information of a cable service or video service customer to be used in mailing lists or to be used for other commercial purposes not reasonably related to the conduct of its business unless the cable or video provider has provided to the customer a notice, separately or included in any other customer service notice, that clearly and conspicuously describes the customer's ability to prohibit the disclosure. Cable or video providers shall provide an address and telephone number for a customer to use without a toll charge to prevent disclosure of the customer's name and address in mailing lists or for other commercial purposes not reasonably related to the conduct of its business to other businesses or affiliates of the cable or video provider. Cable or video providers shall comply with the
consumer privacy requirements of Section 26-4.5 of the Criminal Code of 2012, the Restricted Call Registry Act, and 47 U.S.C. 551 that are in effect as of June 30, 2007 (the effective date of Public Act 95-9) and as amended thereafter.

(q) Cable or video providers shall implement an informal process for handling inquiries from local units of government and customers concerning billing issues, service issues, privacy concerns, and other consumer complaints. In the event that an issue is not resolved through this informal process, a local unit of government or the customer may request nonbinding mediation with the cable or video provider, with each party to bear its own costs of such mediation. Selection of the mediator will be by mutual agreement, and preference will be given to mediation services that do not charge the consumer for their services. In the event that the informal process does not produce a satisfactory result to the customer or the local unit of government, enforcement may be pursued as provided in subdivision (4) of subsection (r) of this Section.

(r) The Attorney General and the local unit of government may enforce all of the customer service and privacy protection standards of this Section with respect to complaints received from residents within the local unit of government's jurisdiction, but it may not adopt or seek to enforce any additional or different customer service or performance standards under any other authority or provision of law.

(1) The local unit of government may, by ordinance,
provide a schedule of penalties for any material breach of this Section by cable or video providers in addition to the penalties provided herein. No monetary penalties shall be assessed for a material breach if it is out of the reasonable control of the cable or video providers or its affiliate. Monetary penalties adopted in an ordinance pursuant to this Section shall apply on a competitively neutral basis to all providers of cable service or video service within the local unit of government's jurisdiction. In no event shall the penalties imposed under this subsection (r) exceed $750 for each day of the material breach, and these penalties shall not exceed $25,000 for each occurrence of a material breach per customer.

(2) For purposes of this Section, "material breach" means any substantial failure of a cable or video service provider to comply with service quality and other standards specified in any provision of this Act. The Attorney General or the local unit of government shall give the cable or video provider written notice of any alleged material breaches of this Act and allow such provider at least 30 days from receipt of the notice to remedy the specified material breach.

(3) A material breach, for the purposes of assessing penalties, shall be deemed to have occurred for each day that a material breach has not been remedied by the cable
service or video service provider after the expiration of
the period specified in subdivision (2) of this subsection
(r) in each local unit of government's jurisdiction,
irrespective of the number of customers affected.

(4) Any customer, the Attorney General, or a local unit
of government may pursue alleged violations of this Act by
the cable or video provider in a court of competent
jurisdiction. A cable or video provider may seek judicial
review of a decision of a local unit of government imposing
penalties in a court of competent jurisdiction. No local
unit of government shall be subject to suit for damages or
other relief based upon its action in connection with its
enforcement or review of any of the terms, conditions, and
rights contained in this Act except a court may require the
return of any penalty it finds was not properly assessed or
imposed.

(s) Cable or video providers shall credit customers for
violations in the amounts stated herein. The credits shall be
applied on the statement issued to the customer for the next
monthly billing cycle following the violation or following the
discovery of the violation. Cable or video providers are
responsible for providing the credits described herein and the
customer is under no obligation to request the credit. If the
customer is no longer taking service from the cable or video
provider, the credit amount will be refunded to the customer by
check within 30 days of the termination of service. A local
unit of government may, by ordinance, adopt a schedule of
credits payable directly to customers for breach of the
customer service standards and obligations contained in this
Article, provided the schedule of customer credits applies on a
competitively neutral basis to all providers of cable service
or video service in the local unit of government's jurisdiction
and the credits are not greater than the credits provided in
this Section.

(1) Failure to keep an appointment or to notify the
customer prior to the close of business on the business day
prior to the scheduled appointment: $25.00.

(2) Violation of customer service and billing
standards in subsections (c) and (d) of this Section:
$25.00 per occurrence.

(3) Violation of the bundling rules in subsection (h)
of this Section: $25.00 per month.

(t) The enforcement powers granted to the Attorney General
in Article XXI of this Act shall apply to this Article, except
that the Attorney General may not seek penalties for violation
of this Article other than in the amounts specified herein.
Nothing in this Section shall limit or affect the powers of the
Attorney General to enforce the provisions of Article XXI of
this Act or the Consumer Fraud and Deceptive Business Practices
Act.

(u) This Article applies to all cable and video providers
in the State, including but not limited to those operating
under a local franchise as that term is used in 47 U.S.C. 522(9), those operating under authorization pursuant to Section 11-42-11 of the Illinois Municipal Code, those operating under authorization pursuant to Section 5-1095 of the Counties Code, and those operating under a State-issued authorization pursuant to Article XXI of this Act.

(Source: P.A. 97-1108, eff. 1-1-13; 97-1150, eff. 1-25-13; 98-45, eff. 6-28-13.)