
SENATE BILL 6197

State of Washington

63rd Legislature

2014 Regular Session

By Senators Ranker, Ericksen, Chase, Litzow, Hargrove, Hasegawa, Eide, Hill, Billig, McCoy, Frockt, Hobbs, Keiser, Honeyford, Kline, Braun, Dammeier, Cleveland, Kohl-Welles, Rolfes, Pedersen, McAuliffe, Mullet, Benton, Darneille, Conway, and Hatfield

Read first time 01/17/14. Referred to Committee on Energy, Environment & Telecommunications.

1 AN ACT Relating to the telecommunications consumer fairness act;
2 adding a new chapter to Title 19 RCW; and creating a new section.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** The definitions in this section apply
5 through this chapter unless the context clearly requires otherwise.

6 (1) "Person" means an individual, corporation, business trust,
7 estate, trust, partnership, limited liability company, association,
8 joint venture, government, governmental subdivision, agency or
9 instrumentality, public corporation, or any other legal or commercial
10 entity.

11 (2) "Service outage" means loss of a telecommunications service
12 resulting from equipment failure not caused by the customer.

13 (3) "Telecommunications service" means video, voice, music, or data
14 delivered for retail sale to the general public within the state by
15 coaxial cable, fiber optic cable, wireless transmission, or direct
16 broadcast satellite.

17 NEW SECTION. **Sec. 2.** Every person providing a telecommunications
18 service must provide pro rata credits to customers for service outages

1 whenever that service is not available for a total of four hours or
2 more in a monthly billing cycle. The minimum amount of pro rata credit
3 a company must provide is the monthly cost of service divided by
4 thirty, then multiplied by the number of days or portions of days
5 during which service was not provided. This section does not prevent
6 a person from providing pro rata credits for service outages that total
7 less than four hours in a monthly billing cycle.

8 NEW SECTION. **Sec. 3.** The legislature finds that the practices
9 covered by this chapter are matters vitally affecting the public
10 interest for the purpose of applying the consumer protection act,
11 chapter 19.86 RCW. A failure to provide a credit under this chapter is
12 not reasonable in relation to the development and preservation of
13 business and is an unfair or deceptive act in trade or commerce and an
14 unfair method of competition for the purpose of applying the consumer
15 protection act, chapter 19.86 RCW. In addition to any other penalties
16 or remedies available under chapter 19.86 RCW, a person injured by a
17 violation of this chapter may bring an action for recovery of
18 liquidated damages in the amount of one thousand dollars per violation,
19 plus court costs and attorneys' fees.

20 NEW SECTION. **Sec. 4.** Sections 1 through 3 of this act constitute
21 a new chapter in Title 19 RCW.

22 NEW SECTION. **Sec. 5.** This act applies to contracts or franchise
23 agreements issued or renewed on or after the effective date of this
24 section.

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