

ASSEMBLY, No. 4219

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED JUNE 8, 2020

Sponsored by:

Assemblyman NICHOLAS CHIARAVALLOTI

District 31 (Hudson)

Assemblyman ANDREW ZWICKER

District 16 (Hunterdon, Mercer, Middlesex and Somerset)

Assemblywoman CAROL A. MURPHY

District 7 (Burlington)

Co-Sponsored by:

Assemblyman Conaway

SYNOPSIS

Prohibits awarding of public contracts to Internet service providers, unless Internet service providers adhere to principle of “net neutrality.”

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/8/2020)

1 AN ACT concerning eligibility for public contracts and
2 supplementing Title 18A of the New Jersey Statutes, P.L.1971,
3 c.198, and Title 52 of the Revised Statutes.

4
5 **BE IT ENACTED** *by the Senate and General Assembly of the State*
6 *of New Jersey:*

7
8 1. a. Notwithstanding any law, rule, regulation, or order to the
9 contrary, a board of education shall reject all bids submitted by an
10 Internet service provider that:

11 (1) engages in paid prioritization;

12 (2) prevents access to lawful Internet content, applications, or
13 services or the use of non-harmful Internet-enabled devices by
14 customers located in this State, subject to reasonable network
15 management; or

16 (3) impairs or degrades access to lawful Internet content,
17 applications, or services or the use of non-harmful Internet-enabled
18 devices by customers located in this State, subject to reasonable
19 network management.

20 b. As used in this section:

21 “Internet service provider” shall have the same meaning as
22 provided in section 3 of P.L.2007, c.272 (C.56:8-170).

23 “Paid prioritization” means the management of an Internet
24 service provider’s network to directly or indirectly favor some data
25 traffic over other data traffic, including through use of techniques
26 such as data traffic shaping, prioritization, resource reservation, or
27 other forms of preferential data traffic management, either in
28 exchange for consideration from a third party or to benefit an
29 affiliated entity.

30
31 2. a. Notwithstanding any law, rule, regulation, or order to the
32 contrary, a contracting unit shall reject all bids submitted by an
33 Internet service provider that:

34 (1) engages in paid prioritization;

35 (2) prevents access to lawful Internet content, applications, or
36 services or the use of non-harmful Internet-enabled devices by
37 customers located in this State, subject to reasonable network
38 management; or

39 (3) impairs or degrades access to lawful Internet content,
40 applications, or services or the use of non-harmful Internet-enabled
41 devices by customers located in this State, subject to reasonable
42 network management.

43 b. As used in this section:

44 “Internet service provider” shall have the same meaning as
45 provided in section 3 of P.L.2007, c.272 (C.56:8-170).

46 “Paid prioritization” means the management of an Internet
47 service provider’s network to directly or indirectly favor some data
48 traffic over other data traffic, including through use of techniques

such as data traffic shaping, prioritization, resource reservation, or other forms of preferential data traffic management, either in exchange for consideration from a third party or to benefit an affiliated entity.

3. a. Notwithstanding any law, rule, regulation, or order to the contrary, a State agency shall reject all bids submitted by an Internet service provider that:

(1) engages in paid prioritization;

(2) prevents access to lawful Internet content, applications, or services or the use of non-harmful Internet-enabled devices by customers located in this State, subject to reasonable network management; or

(3) impairs or degrades access to lawful Internet content, applications, or services or the use of non-harmful Internet-enabled devices by customers located in this State, subject to reasonable network management.

b. As used in this section:

“Internet service provider” shall have the same meaning as provided in section 3 of P.L.2007, c.272 (C.56:8-170).

“Paid prioritization” means the management of an Internet service provider’s network to directly or indirectly favor some data traffic over other data traffic, including through use of techniques such as data traffic shaping, prioritization, resource reservation, or other forms of preferential data traffic management, either in exchange for consideration from a third party or to benefit an affiliated entity.

4. This act shall take effect immediately.

STATEMENT

This bill provides that a public contract may not be awarded to an Internet service provider that: 1) engages in paid prioritization; 2) prevents customers located in this State from accessing all lawful Internet content, applications, and services or using non-harmful Internet-enabled devices; or 3) impairs or degrades Internet access speeds, subject to reasonable network management. As used in this bill, “paid prioritization” is defined as the management of an Internet service provider’s network to directly or indirectly favor some data traffic over other data traffic, including through use of techniques such as data traffic shaping, prioritization, resource reservation, or other forms of preferential data traffic management, either in exchange for consideration from a third party or to benefit an affiliated entity.