

Senate Study Bill 3173 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE
ON COMMERCE BILL BY
CHAIRPERSON McCOY)

A BILL FOR

1 An Act exempting internet protocol-enabled service and voice
2 over internet protocol service from specified regulatory
3 authority.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 476.30 Internet protocol-enabled
2 service and voice over internet protocol service — regulation.

3 1. Notwithstanding any other provision to the contrary,
4 a department, agency, board, or political subdivision of the
5 state shall not by rule, order, or other means directly or
6 indirectly regulate the entry, rates, terms, or conditions
7 for internet protocol-enabled service or voice over internet
8 protocol service.

9 2. For the purposes of this section:

10 a. *“Internet protocol-enabled service”* means any service,
11 capability, functionality, or application that uses internet
12 protocol or any successor protocol and enables an end user to
13 send or receive voice, data, or video communication in internet
14 protocol format or a successor format.

15 b. *“Political subdivision”* means the same as defined in
16 section 145A.2.

17 c. *“Voice over internet protocol service”* means an internet
18 protocol-enabled service that facilitates real-time, two-way
19 voice communication that originates from, or terminates at, a
20 user’s location and permits the user to receive a call that
21 originates from the public switched telephone network and to
22 terminate a call on the public switched telephone network.

23 *“Voice over internet protocol service”* does not include a
24 service that uses ordinary customer premises equipment with no
25 enhanced functionality that originates from and terminates on
26 the public switched telephone network, undergoes no internet
27 protocol conversion, and provides no enhanced functionality
28 to end users due to the provider’s use of internet protocol
29 technology.

30 3. This section shall not be construed to modify or affect
31 the following:

32 a. The application or enforcement of a law or rule that
33 may apply generally to the conduct of business in this state,
34 including but not limited to consumer protection and unfair or
35 deceptive trade practice laws or rules.

1 *b.* The board's authority under 47 U.S.C. §§251 and 252.

2 *c.* Surcharges for enhanced 911 services pursuant to chapter
3 34A or assessments for dual party relay service pursuant to
4 chapter 477C.

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EXPLANATION

6 The inclusion of this explanation does not constitute agreement with
7 the explanation's substance by the members of the general assembly.

8 This bill provides that, notwithstanding any other provision
9 to the contrary, a department, agency, board, or political
10 subdivision of the state shall not by rule, order, or other
11 means directly or indirectly regulate the entry, rates, terms,
12 or conditions for internet protocol-enabled service or voice
13 over internet protocol service.

14 The bill defines "internet protocol-enabled service" to mean
15 any service, capability, functionality, or application that
16 uses internet protocol or any successor protocol and enables an
17 end user to send or receive voice, data, or video communication
18 in internet protocol format or a successor format. The bill
19 defines "voice over internet protocol service" to mean an
20 internet protocol-enabled service that facilitates real-time,
21 two-way voice communication that originates from, or terminates
22 at, a user's location and permits the user to receive a call
23 that originates from the public switched telephone network and
24 to terminate a call on the public switched telephone network.
25 The bill provides that "voice over internet protocol service"
26 does not include a service that uses ordinary customer premises
27 equipment with no enhanced functionality that originates from
28 and terminates on the public switched telephone network,
29 undergoes no internet protocol conversion, and provides no
30 enhanced functionality to end users due to the provider's
31 use of internet protocol technology. The bill references a
32 definition of "political subdivision" contained in Code section
33 145A.2 as meaning any county, township, school district, or
34 city.

35 The bill provides that the bill's provisions regarding

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1 exemption from regulation shall not be construed to modify or
2 affect the application or enforcement of a law or rule that may
3 apply generally to the conduct of business in Iowa, including
4 but not limited to consumer protection and unfair or deceptive
5 trade practice laws or rules; to the Iowa board's authority
6 under federal law relating to telecommunications carrier
7 interconnection agreements and procedures; or to surcharges
8 for enhanced 911 services pursuant to Code chapter 34A or
9 assessments for dual party relay service pursuant to Code
10 chapter 477C.