

Senate File 2294 - Introduced

SENATE FILE 2294
BY COMMITTEE ON TECHNOLOGY

(SUCCESSOR TO SSB 3012)

A BILL FOR

- 1 An Act relating to the audio volume of commercial advertisements
- 2 provided by a video streaming service, and providing
- 3 penalties.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 474.1, subsection 4, Code 2026, is amended
2 to read as follows:

3 4. As used in this chapter and chapters 475A, 476, 476A,
4 477A, 477B, 477C, 478, 479, 479A, and 479B, "commission" and
5 "utilities commission" mean the Iowa utilities commission.

6 Sec. 2. Section 476.95, subsection 3, Code 2026, is amended
7 by adding the following new paragraph:

8 NEW PARAGRAPH. h. Any authority of the commission over the
9 audio volume of commercials provided by video streaming services
10 pursuant to chapter 477B.

11 Sec. 3. NEW SECTION. **477B.1 Video streaming services —**
12 **audio volume of commercials.**

13 1. *Definitions.* As used in this section, unless the context
14 otherwise requires:

15 a. "Consumer-generated media" means content, including video,
16 audio, and multimedia, created and made available by consumers to
17 internet sites or services on the internet.

18 b. "Multichannel video programming distributor" does not
19 include an entity that distributes video programming or video
20 content using internet protocol.

21 c. "Video programming" means programming by, or generally
22 considered comparable to programming provided by, a television
23 broadcast station. "Video programming" does not include
24 consumer-generated media.

25 d. (1) "Video streaming service" means an entity that makes
26 available directly to the consumer, through a distribution method
27 that uses internet protocol, any of the following:

28 (a) Video programming.

29 (b) Video content.

30 (2) "Video streaming service" does not include a television
31 broadcast station, cable operator, or other multichannel video
32 programming distributor, or an entity that provides video
33 programming or video content without commercial advertisements.

34 2. *Advertisement volume.* On and after July 1, 2026, a video
35 streaming service shall not transmit to a consumer within this

1 state a commercial advertisement at an audio volume louder than
2 the audio volume of the video programming or video content the
3 advertisement accompanies.

4 3. *Enforcement — penalties.*

5 a. If the commission has reasonable belief that a video
6 streaming service is in violation of subsection 2, the commission
7 shall have the sole authority to enforce this chapter, including
8 all of the following:

9 (1) Enjoin further violations by the video streaming service.

10 (2) Enforce compliance with this chapter.

11 (3) Seek civil penalties in an amount of not more than five
12 hundred dollars for each violation of this section. For purposes
13 of this subsection, each day a violation of subsection 2 occurs
14 shall be a separate violation.

15 b. If the commission notifies a video streaming service of
16 complaints in violation of this section, the video streaming
17 service may demonstrate compliance by doing any of the following:

18 (1) Providing evidence of actual compliance with this
19 section.

20 (2) Providing evidence of ongoing compliance with the
21 standards adopted by the commission.

22 4. *Private right of action.* This section shall not be
23 construed to create a private right of action.

24 5. *Commission powers and duties.*

25 a. Video streaming services subject to this chapter are
26 subject to complaints and investigations by the commission.

27 b. Video streaming services shall be subject to such rules as
28 the commission may prescribe in order to carry out its authority
29 under this chapter.

30 c. In order to carry out the duties imposed by this section,
31 the commission may, at its discretion, allocate and charge
32 directly the expenses attributable to its duties to the persons
33 or entities subject to proceedings carried out in accordance with
34 this section.

35

EXPLANATION

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

3 This bill relates to the audio volume of commercial
4 advertisements provided by a video streaming service.

5 Under the bill, on and after July 1, 2026, a video streaming
6 service is prohibited from transmitting to a consumer in Iowa a
7 commercial advertisement with an audio volume that is louder than
8 the audio volume of the video programming or video content that
9 the commercial advertisement accompanies.

10 The bill defines "video streaming service" as an entity
11 that makes available directly to a consumer, through a
12 distribution method using internet protocol, video programming
13 or video content. "Video streaming service" does not include
14 a television broadcast station, cable operator, or other
15 multichannel video programming distributor, or an entity that
16 provides commercial-free video programming or video content.
17 "Video programming" is defined in the bill, and does not include
18 "consumer-generated media", as that term is defined in the bill.

19 If the utilities commission (commission) has reasonable belief
20 that a video streaming service violated or is violating the
21 bill, the commission may enforce the bill by enjoining further
22 violations, enforcing compliance with the bill, and seeking civil
23 penalties in an amount of not more than \$500 for each violation.
24 Each day that a video streaming service is in violation of the
25 bill is a separate violation.

26 When the commission notifies a video streaming service of
27 complaints in violation of the bill, the video streaming service
28 may show compliance by demonstrating actual compliance with the
29 bill, or by showing ongoing compliance with standards adopted by
30 the commission.

31 The bill shall not be construed to create a private right of
32 action.

33 The bill provides that streaming services subject to the bill
34 are subject to complaints and investigations by the commission
35 and rules adopted by the commission. The bill authorizes

1 the commission to allocate and charge directly the expenses
2 attributable to proceedings carried out under the bill.

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