

HOUSE BILL NO. 230

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTIETH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES DRUMMOND, Kawasaki, Gara, Tuck, Parish

Introduced: 4/15/17

Referred: Labor and Commerce, Judiciary

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the collection of customer information by telecommunications and**
2 **Internet service providers; and establishing an unfair trade practice under the Alaska**
3 **Unfair Trade Practices and Consumer Protection Act."**

4 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

5 * **Section 1.** The uncodified law of the State of Alaska is amended by adding a new section
6 to read:

7 LEGISLATIVE FINDINGS. The legislature finds that the collection of a customer's
8 personal information by a telecommunications service or Internet service provider without the
9 customer's consent

10 (1) vitally affects the public interest;

11 (2) is not a reasonable method of developing or preserving a business; and

12 (3) is an unfair and deceptive trade practice.

13 * **Sec. 2.** AS 45.48 is amended by adding a new section to read:

14 **Article 6A. Information Disclosure.**

1 **Sec. 45.48.800. Approval required for information disclosure.** (a) If a
 2 telecommunications service or Internet service provider has entered into a franchise
 3 agreement, right-of-way agreement, or other agreement with the state or a
 4 municipality, or uses facilities that are subject to those agreements, even if the
 5 provider is not a party to the agreements, the provider may not collect personal
 6 information from a customer resulting from the customer's use of the
 7 telecommunications service or Internet service without the express written approval of
 8 the customer.

9 (b) A telecommunications service provider or Internet service provider may
 10 not refuse to provide services to a customer solely because the customer has not
 11 approved the collection of the customer's personal information by the provider.

12 (c) In this section, "telecommunications service" means communication by
 13 cable, telegraph, telephone, or broadcast.

14 * **Sec. 3.** AS 45.50.471(b) is amended by adding a new paragraph to read:

15 (58) violating AS 45.48.800 (telecommunications and Internet
 16 information collection).

17 * **Sec. 4.** The uncodified law of the State of Alaska is amended by adding a new section to
 18 read:

19 APPLICABILITY. AS 45.48.800, enacted by sec. 2 of this Act, and
 20 AS 45.50.471(b)(58), enacted by sec. 3 of this Act, apply to a contract between a
 21 telecommunications service provider or Internet service provider and a customer for
 22 telecommunications service or Internet service if the contract is entered into on or after the
 23 effective date of this Act. In this section, "telecommunications service" has the meaning given
 24 in AS 44.48.800(c).