



Home	Bill Information	California Law	Publications	Other Resources	My Subscriptions	My Favorites	
------	------------------	----------------	--------------	-----------------	------------------	--------------	--

AB-414 Communications: Digital Equity Bill of Rights. (2023-2024)

SHARE THIS:  

Date Published: 10/10/2023 09:00 PM

Assembly Bill No. 414

CHAPTER 436

An act to add Title 15.5 (commencing with Section 3120) to Part 4 of Division 3 of the Civil Code, relating to digital equity.

[Approved by Governor October 08, 2023. Filed with Secretary of State October 08, 2023.]

LEGISLATIVE COUNSEL'S DIGEST

AB 414, Reyes. Communications: Digital Equity Bill of Rights.

The California Internet Consumer Protection and Net Neutrality Act of 2018 prohibits fixed and mobile internet service providers, as defined, that provide broadband internet access service, as defined, from engaging in specified actions concerning the treatment of internet traffic. The act also prohibits fixed and mobile internet service providers from offering or providing services other than broadband internet access service that are delivered over the same last-mile connection as the broadband internet access service, if those services have the purpose or effect of evading the above-described prohibitions or negatively affect the performance of broadband internet access service.

This bill, the Digital Equity Bill of Rights, would state that it is the principle of the state, to ensure digital equity for all residents of the state, that residents shall have access to broadband that meets specific requirements, and that it is the policy of the state that, to the extent technically feasible, broadband internet subscribers benefit from equal access to broadband internet service within the service area of a broadband provider, as those terms are defined. The bill would also state that it does not create an obligation for the state to enforce that principle or policy and does not create a private right of action against the state to enforce the bill. The bill would make related legislative findings and declarations.

Vote: majority Appropriation: no Fiscal Committee: no Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Title 15.5 (commencing with Section 3120) is added to Part 4 of Division 3 of the Civil Code, to read:

TITLE 15.5. Digital Equity Bill of Rights

3120. This title shall be known, and may be cited, as the Digital Equity Bill of Rights.

3121. The Legislature finds and declares that digital equity, in which all individuals and communities have the information technology capacity needed for full participation in society, democracy, and the economy, is necessary for civic and cultural participation, employment, lifelong learning, and to access essential services. The Legislature further finds and declares that digital equity requires deployment and adoption of information technologies enabled by access to high-speed internet infrastructure, including wireline and wireless technologies.

3122. (a) It is the principle of the state, to ensure digital equity for all its residents, that residents shall have access to all of the following:

(1) Broadband that is sufficient and reliable, with internet speeds that are sufficient to meet the growing demand and reliance on access to education, government, public safety, economic prosperity, and health care through high-speed internet access. Determining minimum speeds for high-speed internet infrastructure should be performance based to support online educational opportunities, telehealth, and remote working by a majority of households online simultaneously with an increasing need for symmetrical network speeds.

(2) Broadband that is ubiquitous by ensuring that sufficient and reliable broadband access is available throughout the state, from the most rural areas, including tribal lands, to the most populated urban areas, including all low-income neighborhoods. Public broadband investments should be prioritized to connect entire communities and address digital redlining in historically unserved and underserved communities.

(3) Broadband that is affordable by ensuring that internet service plans are affordable for all residents of the state, regardless of their geographic location or household income.

(4) Broadband that provides educational opportunities and supports digital skills proficiency by providing residents of the state with access to opportunities to develop the skills needed to thrive in a digital world.

(5) Broadband that ensures public safety and maintains the peace of mind of the residents of the state that comes with knowing they have reliable access to emergency response services and emergency alert systems in the event of emergencies or catastrophic disasters.

(6) Broadband that improves quality of life by advancing economic status with access to educational opportunities, new job opportunities, and health care.

(7) Broadband that supports economic prosperity by ensuring that all workers, employers, businesses, entrepreneurs, startups, and enterprises, regardless of size, and including agriculture, have high-speed internet access that optimizes the value of their contributions to the economy to ensure global competitiveness.

(8) Broadband that attracts capital investment because ubiquitous high-speed internet infrastructure is essential to ensuring that the state continues to attract its fair share of global capital investment to support and enhance economic prosperity.

(9) Broadband that supports innovation and research by ensuring that high-speed internet infrastructure connects all research institutions to sustain world-class research and innovation that drives economic productivity.

(10) Broadband that empowers and enables participation in the democratic process so that all residents of the state are connected to the internet with sufficient speeds to participate in government, online educational opportunities, and telehealth for quality of life and public safety.

(b) It is the policy of the state that, to the extent technically feasible, broadband internet subscribers benefit from equal access to broadband internet service within the service area of a broadband provider.

(c) For purposes of this title, the following definitions apply:

(1) "Equal access" means the equal opportunity to subscribe to an offered service that provides comparable speeds, capacities, latency, and other quality-of-service metrics in a given geographical area, for comparable terms and conditions.

(2) "Broadband" means "Broadband Internet access service" as defined in subdivision (b) of Section 3100.

3123. (a) This title does not create a private right of action against the state to enforce this title.

(b) This title does not create an obligation of the state to enforce the principle or policy established by this title.