



NEW YORK STATE SENATOR

Brad Hoylman-Sigal

NEW YORK SENATOR HOYLMAN & CALIFORNIA SENATOR WIENER ANNOUNCE BICOASTAL EFFORT TO RESTORE NET NEUTRALITY AND PROTECT ACCESS TO A FAIR AND FREE INTERNET

BRAD HOYLMAN-SIGAL May 1, 2018



With the introduction of NY Senate Bill 8321, New York and California now have the strongest respective Net Neutrality legislation in the country

New York State Senator Brad Hoylman (D/WF-Manhattan) and California State Senator Scott Wiener (D-San Francisco) announced today that they are collaborating on a bicoastal effort to restore the rights of an open and free internet through Net Neutrality legislation. Senator Hoylman's Senate Bill S.8321 mirrors Senator Wiener's California Senate Bill 822, which is considered the most comprehensive and strongest in the nation. This joint effort to preserve the rights of an open and free internet will restore the full Net Neutrality principles to one-fifth of the American population.

Senator Hoylman said: "The Internet is vital to a functioning 21st century democracy. By repealing the rules that keep the internet free and fair, Trump's FCC has attacked freedom itself. As a result, states like New York and California must intervene and ensure a platform for free expression. I'm proud to lead by example alongside Senator Wiener and the state of California, and hope other states will join us."

Senator Wiener said: "States can and should bring forward Net Neutrality rules to protect consumers and our democracy. The repeal of Net Neutrality has left people all across our country vulnerable to having their Internet access manipulated, and states need to step up to enact comprehensive, thorough Internet protections that put our residents first. I'm proud to be working with Senator Hoylman to broaden our effort across the country."

Senator Hoylman's S.8321 will track Sen. Wiener's SB 822, which has been passed by two committees in the California State Senate, and is currently pending in the Senate Appropriations Committee. Both the California and New York legislation define a set of Net Neutrality principles and practices, and require that Internet Service Providers (ISPs) provide neutral access to the internet. At its core, these bills will ensure that all residents of California and New York choose whether, when, and for what purpose they use the internet.

Recent data shows a majority of small businesses oppose repealing neutrality measures, citing a potentially devastating impact on innovation, fair competition, and access to customers. The California and New York state bills would restore protections for millions of businesses and consumers, and foster both innovation and private-sector job creation.

Hoyleman and Wiener will continue to work together to build a national coalition of elected officials and advocates around these important issues.

Senator Wiener's SB 822 has received broad support from public interest groups, small business organizations, Internet start-ups, elected leaders, and tens of thousands of California residents. Attorney General Xavier Becerra announced support for the bill. Tom Wheeler, who served as Chair of the FCC under President Obama in 2015, wrote the following in a letter signed by two other former FCC Commissioners: "SB 822 steps in to protect Californians and their economy by comprehensively restoring the protections put in place in the 2015 net neutrality order."

All of the following policies will be set under Senator Hoyleman's S.8321, to be introduced today:

Prohibits blocking, throttling, or interfering with any content, service, or device based on the nature of the content or type of service

Requires that all data traffic be Application Agnostic with no varying access between types of applications or classes of applications (video streaming faster than phone services)

Prohibits charging access fees to services to reach consumers, which favors services that can pay and stifles competition for small businesses or new services

Prohibits engaging in misleading or deceptive marketing and advertising

Prohibits practices which distort and manipulate consumer choice by subsidizing favored content so that it does not count against any data cap in a customer plan

Preserves the right of the consumer to choose whether, when, and for what purposes they use the Internet once they have access to it

Preserves the right of the consumer to choose whether, when, and for what purpose they use the Internet, once they have access to it

Allows ISPs to adjust their service that may be in violation of the above protections, provided those adjustments are for purely technical reasons

Maintains that all adjustments must be reasonably Application Agnostic, i.e. apply evenly to all types of web traffic, and be tailored to a technical need, not an economic benefit.

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RELATED LEGISLATION

2017-S8321

- Introduced
- ○ In Committee Assembly
 - In Committee Senate

- ○ On Floor Calendar Assembly
 - On Floor Calendar Senate

- ○ Passed Assembly
 - Passed Senate

- Delivered to Governor

- Signed By Governor

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Provides regulatory control of Internet service providers by the public service commission, requires Internet neutrality and relates to the placement of equipment on utility poles

May 01, 2018

In Senate Committee [Energy and Telecommunications](#)

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Do you support this bill?