

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

House Bill 4461

By Delegates Hillenbrand, Rohrbach, Linville, Brooks,
Sheedy, Crouse, Butler, Shamblin, Cooper, Hall, and
Funkhouser

[Introduced January 16, 2026; referred to the
Committee on Energy and Public Works then the
Judiciary]

1 A BILL to amend the Code of West Virginia, 1931, as amended by adding a new section
2 designated §46A-9-1, relating to service provider charges during service outages;
3 providing a legislative purpose; providing definitions; clarifying billing practices of internet
4 or telecommunication providers failing to provide service to customers; creating civil
5 penalties; requiring certain data be provided to the commission and Attorney General;
6 clarifying the rights of the consumer; and creating an exception.

Be it enacted by the Legislature of West Virginia:

ARTICLE 9. INTERNET AND TELECOMMUNICATIONS.

§46A-9-1. Prorated bill credits for internet or telecommunication service outages.

1 (a) Legislative purpose — The purpose of this section is to place reasonable limitations on
2 the billing practices of internet or telecommunications providers to ensure that a consumer is not
3 required to pay for service outages caused by the provider when he or she did not receive
4 services, and further, to prohibit billing for these services in periods when the consumer is not
5 receiving internet or telecommunications services.

6 (b) For purposes of this section:

7 "Consumer" means any person or entity that purchases internet or telecommunications
8 services for personal or business use.

9 "Internet and telecommunication service provider" means any person, business, or
10 organization qualified to do business in this state that provides individuals, corporations, or other
11 entities with the ability to connect to the internet or provide telecommunication services.

12 "Outage" means any period of time during which a consumer's internet or
13 telecommunication service is unavailable, excluding scheduled maintenance periods of which the
14 consumer has been notified at least 24 hours in advance: *Provided*, That for purposes of this
15 section an outage does not include large-scale cyber-attacks, critical software or hardware
16 failures, that make performance impossible or conditions outside the control of the provider, and
17 outages caused by the consumer.

18 (c) Every internet and telecommunications service provider operating in this state shall
19 issue a prorated bill credit to consumers for any internet or telecommunications service outage
20 lasting more than 12 continuous hours. Such credit shall be calculated based on the consumer's
21 monthly service rate, prorated for the duration of the outage. Such credit shall be automatically
22 applied to the consumer's next bill cycle without requiring any action or request from the
23 consumer. Internet and telecommunication service providers shall notify consumers of the outage
24 and the applied credit within 24 hours of the restoration of service.

25 (d) Every internet and telecommunications service provider shall maintain records of all
26 outages, the specific reason for the outage, the number of customers receiving credits per month,
27 the total dollar amount of credits provided per month, the specific reason for the outage requiring
28 customer credits, and the geographic scope of outages for which credits were issued, for a
29 minimum period of three years. Every internet and telecommunication service provider shall
30 provide this data to the commission and the Attorney General. These reports shall contain the
31 same information provided to the Network Outage Reporting System and must be provided
32 monthly to the commission and the Consumer Protection Division of the Attorney General, not
33 later than the 10th day after the end of the preceding month and reflect the preceding month's
34 number of outages. All such information provided to the Attorney General shall be held confidential
35 but may be utilized by the Attorney General for data analysis and consumer protection. In months
36 where there are no outages and no credits were required, no report shall be required. The
37 Attorney General shall utilize this data to identify chronic issues which shall then be provided to the
38 Public Service Commission in the case of regulated telephone service.

39 (e) The Attorney General may bring a civil action against an internet or
40 telecommunications service provider to recover a civil penalty for willfully violating this section and
41 if the court finds that the defendant has engaged in a course of repeated and willful violations of
42 this section, it may assess a civil penalty of no more than \$1 thousand for each violation. No civil
43 penalty pursuant to this subsection may be imposed for violations of this chapter occurring more

44 than four years before the action is brought.

45 (f) Nothing contained in this section shall be construed to adversely alter or affect a right or
46 benefit accruing to a consumer or the state in accordance with other provisions of this code, or to
47 limit any civil or criminal remedy otherwise provided for by law. In the case of provisions contained
48 in this section that exempt a person from the requirements of this section or that otherwise limit the
49 applicability of this section to a person, those provisions are exclusive to this section and shall not
50 be construed to otherwise exempt a person or to limit the applicability of any other provisions of
51 this code.

52 (g) As defined by 47 U.S.C. §153, the provisions of §46A-9-1 do not apply to mobile service
53 disruptions.

NOTE: The purpose of this bill is to ensure that a consumer is not required to pay for service outages caused by the provider when he or she did not receive services.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.