

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Committee Substitute

for

House Bill 4461

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

[Originating in the Committee on Energy and Public
Works; then Judiciary; Reported on-----, 2026]

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 establishing limitations on billing practices of Internet or
3 telecommunications providers that fail to provide subscribed customers service for five or
4 more days (120 hours); setting forth the purpose of the section; providing definitions;
5 requiring providers to automatically credit the customer's account for the lack of service
6 proportional to the number of days of disrupted services; establishing civil penalties;
7 designating Attorney General to enforce section; requiring providers provide certain data
8 to the Consumer Protection Division of the Attorney General and establishing
9 confidentiality of same; and providing these provisions do not apply to mobile service
10 disruptions

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 require Internet or
2 telecommunications service providers that fail to provide subscribed customers service for five or
3 more days (120 hours) to automatically credit the customer's account for the lack of service
4 proportional to the number of days of disrupted services and providers doing business in this state
5 from charging a customer for services that the customer has not received and further, prohibiting
6 billing of customer for services during an extended service interruption caused by the provider.
7 Therefore, the purpose of this section is to place reasonable limitations on the billing practices of
8 Internet or telecommunications providers to assure that consumers are not required to pay for long
9 service outages caused by the provider when he or she did not receive services, and further,
10 prohibit billing for these services in periods when the consumer is not receiving Internet or
11 telecommunications services.

12 (b) For purposes of this section:

13 "Consumer" means any person or entity that purchases internet or telecommunications

services for personal or business use.

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

(c) If an Internet or telecommunications service to a subscriber is interrupted for more than five days (120) continuous hours for reasons not outside the reasonable control of the provider, the subscriber shall automatically receive a credit or refund from the Internet or telecommunications service provider, in the next billing cycle, an amount that represents the proportionate share of such service not received in a billing period, provided the interruption is not caused by the subscriber. Large-scale cyber-attacks, critical software or hardware failures, outages caused by the consumer, and force majeure, are to be accounted as items outside the provider's reasonable control.

(d) If a provider has violated any of the provisions of subsection (c) of this section, the Attorney General may seek a resolution of the violation and may maintain an action against the Internet or telecommunications service provider to enforce the provisions of subsection (c) of this section to recover the excessive costs billed to the customer, and a civil penalty may be assessed, in an amount determined by the court, of not less than the cost of one month of service to the customer, but not more than \$1,000.

(e) Internet service providers shall provide data concerning the number of customers receiving credits per month, the total dollar amount of credits provided per month, and the geographic scope of outages of 120 hours or more for which credits were required. These reports shall contain the same information provided to the Network Outage Reporting System and must be provided monthly to the Consumer Protection Division of the Attorney General, not later than the 10th day after the end of the preceding month and reflect the preceding month's number of outages. All such information provided to the Attorney General shall be held confidential, but may be utilized by the Attorney General for data analysis and consumer protection. In months where

- 40 there are no outages for 120 hours or more for which credits were required, no report shall be
41 required.
- 42 (f) As defined by 47 U.S.C. §153, the provisions of §46A-6-111 do not apply to mobile
43 service 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.