

2016 Regular Session

SENATE BILL NO. 251

BY SENATOR LAFLEUR

COMMERCIAL REGULATIONS. Prohibits certain Wi-Fi "hotspot" blocking. (8/1/16)

1 AN ACT

2 To enact Chapter 8-L of Title 45 of the Louisiana Revised Statutes of 1950, to be comprised
3 of R.S. 45:844.74 and 844.75, relative to communications; to prohibit the
4 interference or blocking of certain communications and wireless connections; to
5 provide certain terms, conditions, requirements, procedures, penalties and effects;
6 and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. Chapter 8-L of Title 45 of the Louisiana Revised Statutes of 1950, to be
9 comprised of R.S. 45:844.74 and 844.75, is hereby enacted to read as follows:

10 **CHAPTER 8-L. PROHIBITED "WI-FI HOTSPOT" BLOCKING**

11 **§844.74. Legislative findings**

12 **A. The Legislature finds that Wi-Fi is a technology that enables low-**
13 **power electronic devices, such as laptop computers, tablets, video game**
14 **consoles, and smartphones, to connect to the Internet and to each other through**
15 **wireless network access points. Such "access points" include a Wi-Fi router and**
16 **also mobile devices that can serve as a wireless access point, known as a**
17 **"hotspot".**

1 B. The Legislature concurs with statements from the Federal
2 Communications Commission that the "Internet is a vital platform for
3 economic growth, innovation, competition, and free expression. Wi-Fi is an
4 essential access ramp to that platform. Wi-Fi networks have proliferated in
5 places accessible to the public, such as restaurants, coffee shops, malls, train
6 stations, hotels, airports, convention centers, and parks. Consumers also can
7 establish their own Wi-Fi networks by using FCC authorized mobile hotspots
8 and their wireless data plans to connect Wi-Fi enabled devices to the Internet.
9 The growing use of technologies that unlawfully block consumers from creating
10 their own Wi-Fi networks via their personal hotspots unjustifiably prevents
11 consumers from enjoying services they have paid for and stymies the
12 convenience and innovation associated with Wi-Fi Internet access."

13 C. The Legislature finds that consumers who purchase cellular data
14 plans should be able to use them without fear that their personal Internet
15 connection will be unlawfully blocked by others, including blocking at locations
16 such as conference centers, hotels, and trade shows.

17 D. The Legislature further finds that for the above reasons it is an
18 appropriate exercise of the police power of the state to take action to prevent
19 such unlawful activity.

20 §844.75. Prohibited "Hotspot" blocking

21 A. No person shall without legal authority knowingly interfere with,
22 prevent, disable, or block the lawful creation of a Wi-Fi network via a personal
23 hotspot.

24 B. Whoever violates the provisions of this Section shall be fined a civil
25 penalty of not more than ten thousand dollars. Each day and act of violation
26 shall be considered a separate offense.

27 C. The penalties provided by this Section shall be in addition to any
28 other civil or criminal penalty, action, or proceeding otherwise authorized by
29 law.

