

2016 Regular Session

SENATE BILL NO. 251

BY SENATORS LAFLEUR, MARTINY, MIZELL, PEACOCK, THOMPSON,
WALSWORTH AND WHITE

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 (FCC) 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 plans**
14 **should be able to use them without fear that their personal Internet connection**
15 **will be unlawfully blocked by others, including blocking at locations such as**
16 **conference centers, hotels, and trade shows.**

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

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Jerry G. Jones.

DIGEST

SB 251 Reengrossed

2016 Regular Session

LaFleur

Proposed law prohibits wi-fi "hotspot" blocking. Provides legislative findings.

Proposed law provides that no person shall without legal authority knowingly interfere with, prevent, disable, or block the lawful creation of a Wi-Fi network via a personal hotspot.

Proposed law provides a civil penalty fine of not more than \$10,000. Further provides that each day and act of violation shall be considered a separate offense. Also provides that the penalties provided by the proposed law shall be in addition to any other civil or criminal penalty, action, or proceeding otherwise authorized by law.

Effective August 1, 2016.

(Adds R.S. 45:844.74 and 844.75)