

48:5A-11.4

LEGISLATIVE HISTORY CHECKLIST

NJSA: 48:5A-11.4 (CATV-- prohibit certain charges for VCR's)

LAWS OF: 1987 **CHAPTER:** 395

BILL NO: A1921

Sponsor(s): Kern

Date Introduced: February 10, 1988

Committee: **Assembly:** Transportation, Communications and High Technology
Senate: Transportation and Communications

Amended during passage: Yes Amendments during passage denoted by asterisks.

Date of Passage: **Assembly:** May 12, 1987
Senate: December 17, 1987

Date of Approval: January 13, 1988

following statements are attached if available:

Sponsor statement: Yes

Committee statement: **Assembly** Yes
Senate Yes

Fiscal Note: No

Veto Message: No

Message on Signing: No

Following were printed:

Reports: No

Hearings: No

[OFFICIAL COPY REPRINT]
ASSEMBLY, No. 1921

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 10, 1986

By Assemblyman KERN

AN ACT concerning certain auxiliary cable television equipment,
and amending and supplementing P. L. 1972, c. 186.

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

1 1. Section 3 of P. L. 1972, c. 186 (C. 48:5A-3) is amended to
2 read as follows:

3 3. As used in this act, except as the context may otherwise
4 clearly require or indicate:

5 a. "Board" means the Board of Public **[Utility Commissioners]**
6 *Utilities* of the Department of **[Public Utilities]** *Energy* of this
7 State.

8 b. "Office" means the ***[office]*** **Office** of Cable Television
9 established by this act.

10 c. "Director" means the Director of the Office of Cable Televi-
11 sion.

12 d. "Cable television system" or "CATV system" means any
13 facility within this State which is operated or intended to be
14 operated to perform the service of receiving and amplifying the
15 signals broadcast by one or more television stations and redis-
16 tributing such signals by wire, cable or other device or means
17 for accomplishing such redistribution, to members of the public
18 who subscribe to such service, or distributing through its facility
19 any television signals, whether broadcast or not; or any part of
20 such facility. The term "facility" as used in this subsection in-
21 cludes all real property, antennae, poles, wires, cables, conduits,
22 amplifiers, instruments, appliances, fixtures and other personal

**EXPLANATION--Matter enclosed in bold-faced brackets [thus] in the above bill
is not enacted and is intended to be omitted in the law.**

Matter printed in italics thus is new matter.

Matter enclosed in asterisks or stars has been adopted as follows:

***—Assembly committee amendments adopted May 5, 1986.**

23 property used by a CATV company in providing service to its sub-
24 scribers and customers.

25 e. "Cable television reception service" means the simultaneous
26 delivery through a CATV system of the signals of television broad-
27 cast stations to members of the public subscribing to such service,
28 which service may include additional nonbroadcast signals de-
29 livered as a part of the service with no additional charge.

30 f. "Cable communication system" or "cable communications
31 service" means any communications service other than cable tele-
32 vision reception service delivered through the facilities of a CATV
33 system and for which charges in addition to or other than those
34 made for cable television reception service are made or proposed
35 to be made.

36 g. "Cable television company" or "CATV company" means any
37 person owning, controlling, operating or managing a cable tele-
38 vision system, and the term "person" as used herein shall be con-
39 strued, without limiting the generality thereof, to include specifi-
40 cally any agency or instrumentality of this State or of any of its
41 political subdivisions; but this definition shall not include a tele-
42 phone, telegraph or electric utility company regulated by the Board
43 of Public [Utility Commissioners] *Utilities* in a case where it
44 merely leases or rents or otherwise provides to a CATV company
45 wires, conduits, cables or pole space used in the redistribution of
46 television signals to or toward subscribers or customers of such
47 CATV company.

48 h. "Highway" includes every street, road, alley, thoroughfare,
49 way or place of any kind used by the public or open to the use of
50 the public.

51 i. "Certificate" means a certificate of approval issued, or which
52 may be issued, by the board pursuant to this act.

53 j. "Cable television service" includes the definitions of cable tele-
54 vision reception service and cable communications service herein,
55 as well as the provision of any other impulse or signal by a cable
56 television company or other service lawfully provided, utilizing the
57 facilities of the system.

58 k. "*Basic cable service*" means any category of cable television
59 service or other services provided by a cable operator, for which a
60 separate rate is charged thereby, and which includes the retrans-
61 mission of local television broadcast signals.

62 l. "*Hearing impaired individual*" means an individual who, be-
63 cause of injury to, disease of, or defect in the inner, middle or
64 outer ear, or any combination thereof, has suffered a loss of hear-

65 *ing acuity such that the individual cannot receive linguistic in-*
 66 *formation without amplification, dubbing or captions.*

67 *m. "In series" means an installation where the coaxial service*
 68 *wire entering the home connects first to a television receiver or*
 69 *monitor, with the television receiver or monitor being connected*
 70 *by coaxial wire to a video cassette recorder or other ancillary de-*
 71 *vices or where the coaxial service wire connects first to a video*
 72 *cassette recorder or ancillary device, with the device being con-*
 73 *nected to a television receiver or monitor and where no external*
 74 *splitting device is supplied by a CATV company for either con-*
 75 *figuration. This definition shall not be construed as prohibiting a*
 76 *CATV company from waiving monthly charges should an external*
 77 *splitter be provided by the CATV company without a converter.*

1 2. (New section) No CATV company shall charge or in any way
 2 penalize a subscriber for the possession or use of any auxiliary
 3 equipment designed to facilitate the reception of basic cable ser-
 4 vice by a hearing impaired individual and provided by the sub-
 5 scriber, unless this possession or use requires the company to pro-
 6 vide additional service or equipment.

1 3. (New section) No CATV company shall charge or in any way
 2 penalize a subscriber for the possession or use of a video cassette
 3 recorder, video disc, computer or other auxiliary equipment pro-
 4 vided by the subscriber and either not connected to a television
 5 receiver or monitor, or connected by the subscriber to a television
 6 receiver or monitor through which cable service is not received.

1 4. (New section) No CATV company shall charge or in any way
 2 penalize a subscriber for the possession or use of a video cassette
 3 recorder, video disc, computer or other auxiliary equipment pro-
 4 vided by the subscriber and connected by the subscriber, in series,
 5 to a television receiver or monitor through which cable service is
 6 received. This section shall not be applicable if the company pro-
 7 vides additional service or equipment to the subscriber as a result
 8 of the connection by the subscriber; or if the connection by the
 9 subscriber qualifies as the provision of cable service by the com-
 10 pany and the State regulation of the rates for that provision of
 11 cable service is prohibited under the "Cable Communications
 12 Policy Act of 1984," Pub. L. 98-549 (47 U. S. C. § 521 et seq.) or
 13 any other federal law, rule, regulation or order concerning cable
 14 television.

1 *5. (New section) Any connection made to a cable television
 2 system, either directly or indirectly, pursuant to the provisions of
 3 sections 2 or 4 of this act shall be made in a manner as to prevent

4 *signal leakage, and so as not to otherwise interfere with the proper*
 5 *operation of the cable television system. The installation shall be*
 6 *subject to inspection and approval by the CATV company for*
 7 *purposes of insuring that the installation is made in a manner*
 8 *as to prevent signal leakage and so as not to otherwise interfere*
 9 *with the proper operation of the cable television system.*

10 *Nothing in this act shall preclude a CATV company from charg-*
 11 *ing its normally applicable service charge.**

1 ***[5.]*** *6.* (New section) Nothing in this act shall be construed
 2 as prohibiting a CATV company from charging a subscriber for
 3 connection services rendered the subscriber for auxiliary equip-
 4 ment provided and connected by the subscriber.

1 ***[6.]*** *7.* (New section) Nothing in this act shall be construed
 2 as authorizing the use or possession of equipment prohibited by
 3 N. J. S. 2C:20-8.

1 ***[7.]*** *8.* This act shall take effect on the 30th day after enact-
 2 ment.

COMMUNICATIONS AND BROADCASTING

Prohibits cable television companies from charging for use of
 VCR or penalizing subscriber for use of auxiliary equipment.

STATEMENT

Some cable television companies have been charging a customer additional amount for the customer's use of video cassette recorders or other equipment which connect to a television set. This bill will prevent that practice where a cable television company does not provide additional services or equipment.

This bill will also prevent a cable television company from charging or in any way penalizing a subscriber for the possession or use of any auxiliary equipment designed to facilitate the reception of basic cable service by a hearing impaired individual and provided by the subscriber, unless this possession or use requires the company to provide additional service or equipment.

COMMUNICATIONS AND BROADCASTING

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ASSEMBLY TRANSPORTATION, COMMUNICATIONS
AND HIGH TECHNOLOGY COMMITTEE

STATEMENT TO
ASSEMBLY, No. 1921

with committee amendments

STATE OF NEW JERSEY

DATED: APRIL 3, 1986

The Assembly Transportation, Communications and High Technology Committee reports favorably Assembly Bill No. 1921 with committee amendments.

Some cable television companies have been charging a customer an additional amount for the customer's use of video cassette recorders or other equipment which connect to a television set. This bill will prevent that practice where a cable television company does not provide additional services or equipment.

This bill will also prevent a cable television company from charging or in any way penalizing a subscriber for the possession or use of any auxiliary equipment designed to facilitate the reception of basic cable service by a hearing impaired individual and provided by the subscriber, unless this possession or use requires the company to provide additional service or equipment.

The committee adopted an amendment to the bill which provides that a connection made to a cable television system shall be made in a manner as to prevent signal leakage and so as not to otherwise interfere with the proper operation of the cable television system and which further provides that any installation of equipment for the hearing impaired or installation equipment furnished by the subscriber, in series, to a television receiver or monitor through which cable service is received, shall be subject to inspection and approval by the CATV company.

The committee has noted that this bill clarifies and updates New Jersey law in response to changes made in federal cable television law.

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SENATE TRANSPORTATION AND COMMUNICATIONS
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1921

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with Senate committee amendments

STATE OF NEW JERSEY

DATED: OCTOBER 27, 1986

The Senate Transportation and Communications Committee favorably reports Assembly Bill No. 1921 (OCR) with Senate committee amendments.

Some cable television companies have been charging a subscriber an additional amount for the subscriber's use of video cassette recorders or other equipment which connect to a television set. This amended bill will prevent that practice where a cable television company does not provide additional services or equipment and the connection is made "in series."

This amended bill will also prevent a cable television company from charging or in any way penalizing a subscriber for the possession or use of any auxiliary equipment designed to facilitate the reception of basic cable service by a hearing impaired individual and provided by the subscriber, unless the possession or use requires the company to provide additional service or equipment. The cable television company, however, may inspect and approve any installation for the purposes of insuring that the installation is made in a manner as to prevent signal leakage.

Amendments approved by the committee clarified the definition of "in series" or were technical in nature.

This amended bill is identical to Senate Bill No. 2652, as amended by this committee.