

LEGISLATIVE HISTORY CHECKLIST

NJSA: 48:5A-11a (CATV-- service disruption-- deduction from charges)
LAWS OF: 1987 **CHAPTER:** 422
BILL NO: A2038
Sponsor(s): Kern
Date Introduced: February 20, 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, 1988
Senate: December 17, 1987
Date of Approval: January 14, 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

P. L. 1987, CHAPTER 422, *approved January 14, 1988*

1986 Assembly No. 2038 (*Second Official Copy Reprint*)

AN ACT ****[requiring cable television companies to grant deductions]**** ****providing for credits or rebates to subscribers**** for certain disruptions in ****cable television**** service and supplementing P. L. 1972, c. 186 (C. 48:5A-1 et seq.).

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

- 1 1. ****[a. When cable television service is considerably disrupted**
2 **or impaired for a period of more than ***[two]*** ***six*** continuous**
3 **hours due to an equipment malfunction at a cable television sys-**
4 **tem or the negligence of an employee of a CATV company, the**
5 **CATV company shall deduct from the bill of each subscriber to**
6 **the affected service an amount equal to the charge incurred for**
7 **that time. A subscriber request for the deduction is ***[only]*****
8 **required ***[if the CATV company is unaware of the considerable****
9 **disruption or impairment of service to that subscriber]** ***by either**
9A **written or oral notice to the CATV company***.
- 10 b. The amount to be deducted is based on a per hour rate for
11 each affected service subscribed to for the amount of time the cable
12 television service is considerably disrupted or impaired. The
13 amount of time to be compensated is computed from the end of a
14 continuous ***[two]*** ***six*** hour period of considerable disruption
15 or impairment of service and continues until that service has re-
16 sumed without being considerably disrupted or impaired.
- 17 c. The deduction shall be made on the bill covering the period
18 of time when the considerable disruption or impairment occurred,

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.**

****—Senate committee amendments adopted October 27, 1986.**

19 unless it occurs within 15 days of the issuance of the subscriber's
20 bill, when it shall be made on the immediately subsequent bill.

21 No subscriber shall receive a deduction for the considerable dis-
22 ruption or impairment of any cable television service to which the
23 subscriber did not subscribe. A subscriber shall not receive a de-
24 duction if the considerable disruption or impairment was due to
25 the negligence or intentional act of the subscriber.

26 d. ***[Before the effective date of this act each]* *Each*** CATV
27 company shall notify, in writing, each subscriber to its services,
28 and thereafter, each new subscriber, of the provisions of this
29 act.]** ***The director with the approval of the board shall adopt*
30 *rules and regulations providing for a credit or rebate for outages of*
31 *cable television service which are six or more hours in duration.*
32 *The amount of the credit or rebate shall be in one day units, pro-*
33 *rated on the basis of the subscriber's monthly rate for each ser-*
34 *vice so interrupted. In order to obtain a credit or rebate, a sub-*
35 *scriber shall notify by telephone or in writing the cable television*
36 *company, the Office of Cable Television or other designated com-*
37 *plaint officer within 30 days after any such outage. The regulations*
38 *may provide for appropriate exceptions and limitations.***

1 2. This act shall take effect ****[on the 90th day after enactment*,**
2 *except that subsection d. of section 1 of this act shall take effect]***
3 *immediately*.*

21 No subscriber shall receive a deduction for the considerable dis-
22 ruption or impairment of any cable television service to which the
23 subscriber did not subscribe. A subscriber shall not receive a de-
24 duction if the considerable disruption or impairment was due to
25 the negligence or intentional act of the subscriber.

26 d. Before the effective date of this act each CATV company
27 shall notify, in writing, each subscriber to its services, and there-
28 after, each new subscriber, of the provisions of this act.

1 2. This act shall take effect on the 90th day after enactment.

STATEMENT

This bill requires that, under certain circumstances, if a cable television service is considerably disrupted or impaired for over two continuous hours that subscribers are given a deduction on their bills for the loss of that service. Currently, if equipment failure or employee negligence on the part of a cable television company causes cable television service to be considerably disrupted or impaired, subscribers still must pay for the services which they did not receive.

COMMUNICATIONS AND BROADCASTING

Requires reduction in subscription charges for CATV service for every disruption or impairment of at least two consecutive hours.

D. C. S.

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ASSEMBLY TRANSPORTATION, COMMUNICATIONS
AND HIGH TECHNOLOGY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2038

with committee amendments

STATE OF NEW JERSEY

DATED: APRIL 3, 1986

The Assembly Transportation, Communications and High Technology Committee reports favorably Assembly Bill No. 2038 with committee amendments.

This bill requires that, if a cable television service is considerably disrupted or impaired for over six continuous hours due to an equipment malfunction at the cable television system or the negligence of a CATV company employee, subscribers are given a deduction on their bills for the loss of service. The committee amended the bill by changing the time period from over two continuous hours to over six continuous hours before the provisions of this act would take effect and by providing that a subscriber request for a deduction is required by either written or oral notice to the CATV company.

In addition, a technical amendment has been prepared to clarify that although the act shall take effect on the 90th day after enactment, the provision contained in subsection d. of section 1 requiring that a CATV company notify each subscriber to its services, in writing, of the provisions of this act, shall take effect immediately.

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SENATE TRANSPORTATION AND COMMUNICATIONS
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2038

[OFFICIAL COPY REPRINT]

with Senate committee amendments

STATE OF NEW JERSEY

DATED: OCTOBER 27, 1986

The Senate Transportation and Communications Committee favorably reports Assembly Bill No. 2038 (OCR) with Senate committee amendments.

As amended by the committee, this bill provides that the Director of the Office of Cable Television with the approval of the Board of Public Utilities shall adopt rules and regulations providing for a credit or rebate for outages of cable television service which are six or more hours in duration. The amount of the credit or rebate shall be in one-day units, prorated on the basis of the subscriber's monthly rate so interrupted. In order to obtain such a credit or rebate, a subscriber shall notify by telephone or in writing the cable television company, the Office of Cable Television, or other designated complaint officer within 30 days after such outage. The regulations may provide for appropriate exceptions and limitations. This amended bill would thus confirm in law regulations adopted as N. J. A. C. 14:18-3.9 providing for the six hour rule.

Amendments adopted by the committee deleted the provisions of Assembly Bill No. 2038 (OCR) providing for a per hour rate deduction for a disruption in service of more than six hours in order to conform the bill to the regulations subsequently adopted after the bill's introduction.

This amended bill is identical to Senate Bill No. 2661, as amended by the committee.