

Expedited Bill No. 41-06  
Concerning: Consumer Protection-  
Internet Access  
Revised: 10-12-06 Draft No. 2  
Introduced: September 19, 2006  
Enacted: October 17, 2006  
Executive: October 25, 2006  
Effective: October 25, 2006  
Sunset Date: None  
Ch. 36, Laws of Mont. Co. 2006

## COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

---

By: Council President at the Request of the County Executive

---

**AN EXPEDITED ACT to:**

- (1) prohibit certain merchants from engaging in unfair trade practices with respect to the provision of internet access; and
- (2) generally amend the consumer protection law with respect to the provision of internet access.

By adding

Montgomery County Code  
Chapter 11, Consumer Protection  
Section 11-4A

<b>Boldface</b>	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

*The County Council for Montgomery County, Maryland approves the following Act:*

1           **Sec. 1. Chapter 11 is amended by adding Section 11-4A as follows:**

2    **11-4A. Unfair trade practices- Internet Access Service.**

3           (a)    A merchant must not engage in any unfair trade [[practices]] practice in  
4                    the provision of internet access service using any facility in its control  
5                    that is located in a County right-of-way.

6           (b)    An unfair trade practice includes the refusal or failure of a merchant to:

7                   (1)   provide any internet access service for which a consumer has  
8                    paid;

9                   (2)   properly install any [[facilities]] facility required to provide  
10                   internet access service to a consumer; or

11                   (3)   promptly and effectively respond to a consumer complaint  
12                    concerning internet access service.

13           (c)    Internet access service means the provision of internet access to a  
14                    consumer over [[facilities that are]] any facility controlled by a  
15                    merchant [[and]] that [[are]] is located in a County right-of-way.

16           (d)    The County Executive must issue regulations under Method (2) that  
17                    establish minimum internet access service standards that a merchant  
18                    must comply with.

19           (e)    (1)   The Department of Technology Services may receive and  
20                    investigate complaints of violations of this Section. The Cable  
21                    Compliance Commission may adjudicate violations of this  
22                    Section, as provided in Section 8A-31.

23  
24  
25  
26  
27

(2) The Department may also refer any complaint received under this Section to the Office of Consumer Protection for investigation and enforcement. To enforce any complaint referred to it under this Section, the Office of Consumer Protection may pursue any remedy for violations of this Chapter.

28  
29  
30

**Sec. 2. Expedited Effective Date.** The Council declares that this legislation is necessary for the immediate protection of the public interest. This Act takes effect on the date when it becomes law.

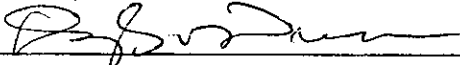
31 *Approved:*

32

 10/19/06  
\_\_\_\_\_  
George L. Leventhal, President, County Council Date

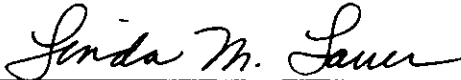
33 *Approved:*

34

 10-28-2006  
\_\_\_\_\_  
Douglas M. Duncan, County Executive Date

35 *This is a correct copy of Council action.*

36

 10/30/06  
\_\_\_\_\_  
Linda M. Lauer, Clerk of the Council Date