

**A-Engrossed**  
**House Bill 2405**

Ordered by the House April 9  
Including House Amendments dated April 9

Sponsored by COMMITTEE ON BUSINESS AND LABOR

**SUMMARY**

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Prohibits department, agency, commission or political subdivision of state from regulating Voice over Internet Protocol service and Internet Protocol-enabled service.

**A BILL FOR AN ACT**

1  
2 Relating to services that use Internet Protocol.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1. (1) As used in this section:**

5 (a) **"Internet Protocol-enabled service" means a service, capability, functionality or ap-**  
6 **plication that is provided using Internet Protocol or a successor protocol to enable an end**  
7 **user to send or receive data, video or voice communications in Internet Protocol format or**  
8 **a successor format.**

9 (b) **"Voice over Internet Protocol service" means a service that:**

10 (A) **Enables real time, two-way voice communications that originate or terminate from**  
11 **a user's location using Internet Protocol or a successor protocol;**

12 (B) **Permits a user to receive calls from the public switched telephone network and ter-**  
13 **minate calls to the public switched telephone network; and**

14 (C) **Uses a broadband connection from the user's location.**

15 (2) **Notwithstanding any other provision of law, a department, agency, commission or**  
16 **political subdivision of this state may not enact or enforce, either directly or indirectly, any**  
17 **rule, regulation, standard, order or other provision having the force or effect of law that**  
18 **regulates or has the effect of regulating:**

19 (a) **The rates of Voice over Internet Protocol service or Internet Protocol-enabled ser-**  
20 **vice;**

21 (b) **The terms and conditions of service of Voice over Internet Protocol service or**  
22 **Internet Protocol-enabled service; or**

23 (c) **The entry into the market of Voice over Internet Protocol service or Internet**  
24 **Protocol-enabled service.**

25 (3) **This section may not be construed to:**

26 (a) **Modify any authority of a department, agency, commission or political subdivision of**  
27 **this state relating to any of the following:**

28 (A) **The provision and administration of enhanced 9-1-1 service and nondiscriminatory**

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

- 1 **enhanced 9-1-1 fees;**  
2 **(B) Telecommunications relay service fees;**  
3 **(C) Universal service fund fees;**  
4 **(D) Switched network access rates, terms or conditions or other intercarrier compen-**  
5 **sation rates; or**  
6 **(E) Interconnection rights or duties of telecommunications utilities and competitive**  
7 **telecommunications service providers.**  
8 **(b) Exempt Voice over Internet Protocol service or Internet Protocol-enabled service**  
9 **from generally applicable state laws relating to consumer protection.**  
10 **(c) Either mandate or prohibit the state, political subdivisions of the state, municipal**  
11 **corporations or other local taxing authorities from taxing:**  
12 **(A) Real and personal property located within the State of Oregon used in providing Voice**  
13 **over Internet Protocol service;**  
14 **(B) Income derived from providing Voice over Internet Protocol service; or**  
15 **(C) The sale, purchase, use or consumption of Voice over Internet Protocol service.**  
16 **(d) Modify any authority of the state or a political subdivision with respect to cable ser-**  
17 **vices consistent with Title VI of the Communications Act of 1934.**  
18 **(e) Modify any authority of the state or a political subdivision to manage the use of public**  
19 **rights of way, including any authority with respect to fees for the use of such rights of way.**  
20 **(f) Modify any authority of the Oregon Department of Administrative Services.**  
21 **(g) Modify any authority of the state or a political subdivision with respect to pole at-**  
22 **tachments as set forth in ORS 757.270 to 757.290 and 759.650 to 759.675.**  
23 **(h) Authorize any department, agency, commission or political subdivision of this state**  
24 **to take any action that is preempted under federal law, including taking any action that is**  
25 **preempted with regard to a service meeting the definition of 47 U.S.C. 153(20).**

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