

**Editorial Notes**

## REFERENCES IN TEXT

This chapter, referred to in subsec. (c), was in the original "this Act", meaning act June 19, 1934, ch. 652, 48 Stat. 1064, known as the Communications Act of 1934, which is classified principally to this chapter. For complete classification of this Act to the Code, see section 609 of this title and Tables.

## AMENDMENTS

1996—Subsec. (d). Pub. L. 104-104 substituted "section 153" for "section 153(v)".

**Statutory Notes and Related Subsidiaries**

## EFFECTIVE DATE

Section effective 60 days after Oct. 30, 1984, except where otherwise expressly provided, see section 9(a) of Pub. L. 98-549, set out as a note under section 521 of this title.

**§ 557. Existing franchises**

(a) The provisions of—

(1) any franchise in effect on the effective date of this subchapter, including any such provisions which relate to the designation, use, or support for the use of channel capacity for public, educational, or governmental use, and

(2) any law of any State (as defined in section 153 of this title) in effect on October 30, 1984, or any regulation promulgated pursuant to such law, which relates to such designation, use or support of such channel capacity,

shall remain in effect, subject to the express provisions of this subchapter, and for not longer than the then current remaining term of the franchise as such franchise existed on such effective date.

(b) For purposes of subsection (a) and other provisions of this subchapter, a franchise shall be considered in effect on the effective date of this subchapter if such franchise was granted on or before such effective date.

(June 19, 1934, ch. 652, title VI, §637, as added Pub. L. 98-549, §2, Oct. 30, 1984, 98 Stat. 2800; amended Pub. L. 104-104, §3(d)(3), Feb. 8, 1996, 110 Stat. 61.)

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## REFERENCES IN TEXT

For "the effective date of this subchapter" and "such effective date", referred to in subsecs. (a) and (b), as 60 days after Oct. 30, 1984, except where otherwise expressly provided, see section 9(a) of Pub. L. 98-549, set out as an Effective Date note under section 521 of this title.

## AMENDMENTS

1996—Subsec. (a)(2). Pub. L. 104-104 substituted "section 153" for "section 153(v)".

**Statutory Notes and Related Subsidiaries**

## EFFECTIVE DATE

Section effective 60 days after Oct. 30, 1984, except where otherwise expressly provided, see section 9(a) of Pub. L. 98-549, set out as a note under section 521 of this title.

**§ 558. Criminal and civil liability**

Nothing in this subchapter shall be deemed to affect the criminal or civil liability of cable pro-

grammers or cable operators pursuant to the Federal, State, or local law of libel, slander, obscenity, incitement, invasions of privacy, false or misleading advertising, or other similar laws, except that cable operators shall not incur any such liability for any program carried on any channel designated for public, educational, governmental use or on any other channel obtained under section 532 of this title or under similar arrangements unless the program involves obscene material.

(June 19, 1934, ch. 652, title VI, §638, as added Pub. L. 98-549, §2, Oct. 30, 1984, 98 Stat. 2801; amended Pub. L. 102-385, §10(d), Oct. 5, 1992, 106 Stat. 1486.)

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## AMENDMENTS

1992—Pub. L. 102-385 inserted before period at end "unless the program involves obscene material".

**Statutory Notes and Related Subsidiaries**

## EFFECTIVE DATE OF 1992 AMENDMENT

Amendment by Pub. L. 102-385 effective 60 days after Oct. 5, 1992, see section 28 of Pub. L. 102-385, set out as a note under section 325 of this title.

## EFFECTIVE DATE

Section effective 60 days after Oct. 30, 1984, except where otherwise expressly provided, see section 9(a) of Pub. L. 98-549, set out as a note under section 521 of this title.

**§ 559. Obscene programming**

Whoever transmits over any cable system any matter which is obscene or otherwise unprotected by the Constitution of the United States shall be fined under title 18 or imprisoned not more than 2 years, or both.

(June 19, 1934, ch. 652, title VI, §639, as added Pub. L. 98-549, §2, Oct. 30, 1984, 98 Stat. 2801; amended Pub. L. 104-104, title V, §503, Feb. 8, 1996, 110 Stat. 136.)

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## AMENDMENTS

1996—Pub. L. 104-104 substituted "under title 18" for "not more than \$10,000".

**Statutory Notes and Related Subsidiaries**

## EFFECTIVE DATE

Section effective 60 days after Oct. 30, 1984, except where otherwise expressly provided, see section 9(a) of Pub. L. 98-549, set out as a note under section 521 of this title.

**§ 560. Scrambling of cable channels for nonsubscribers****(a) Subscriber request**

Upon request by a cable service subscriber, a cable operator shall, without charge, fully scramble or otherwise fully block the audio and video programming of each channel carrying such programming so that one not a subscriber does not receive it.

**(b) "Scramble" defined**

As used in this section, the term "scramble" means to rearrange the content of the signal of

the programming so that the programming cannot be viewed or heard in an understandable manner.

(June 19, 1934, ch. 652, title VI, §640, as added Pub. L. 104-104, title V, §504, Feb. 8, 1996, 110 Stat. 136.)

**§ 561. Scrambling of sexually explicit adult video service programming**

**(a) Requirement**

In providing sexually explicit adult programming or other programming that is indecent on any channel of its service primarily dedicated to sexually-oriented programming, a multichannel video programming distributor shall fully scramble or otherwise fully block the video and audio portion of such channel so that one not a subscriber to such channel or programming does not receive it.

**(b) Implementation**

Until a multichannel video programming distributor complies with the requirement set forth in subsection (a), the distributor shall limit the access of children to the programming referred to in that subsection by not providing such programming during the hours of the day (as determined by the Commission) when a significant number of children are likely to view it.

**(c) “Scramble” defined**

As used in this section, the term “scramble” means to rearrange the content of the signal of the programming so that the programming cannot be viewed or heard in an understandable manner.

(June 19, 1934, ch. 652, title VI, §641, as added Pub. L. 104-104, title V, §505(a), Feb. 8, 1996, 110 Stat. 136.)

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CONSTITUTIONALITY

For information regarding the constitutionality of this section, see the Table of Laws Held Unconstitutional in Whole or in Part by the Supreme Court on the Constitution Annotated website, [constitution.congress.gov](http://constitution.congress.gov).

**Statutory Notes and Related Subsidiaries**

EFFECTIVE DATE

Pub. L. 104-104, title V, §505(b), Feb. 8, 1996, 110 Stat. 136, provided that: “The amendment made by subsection (a) [enacting this section] shall take effect 30 days after the date of enactment of this Act [Feb. 8, 1996].”

**§ 562. Requirements relating to charges for covered services**

**(a) Consumer rights in sales**

**(1) Right to transparency**

Before entering into a contract with a consumer for the provision of a covered service, a provider of a covered service shall provide the consumer, by phone, in person, online, or by other reasonable means, the total monthly charge for the covered service, whether offered individually or as part of a bundled service, selected by the consumer (explicitly noting the

amount of any applicable promotional discount reflected in such charge and when such discount will expire), including any related administrative fees, equipment fees, or other charges, a good faith estimate of any tax, fee, or charge imposed by the Federal Government or a State or local government (whether imposed on the provider or imposed on the consumer but collected by the provider), and a good faith estimate of any fee or charge that is used to recover any other assessment imposed on the provider by the Federal Government or a State or local government.

**(2) Right to formal notice**

A provider of a covered service that enters into a contract described in paragraph (1) shall, not later than 24 hours after entering into the contract, send the consumer, by email, online link, or other reasonably comparable means, a copy of the information described in such paragraph.

**(3) Right to cancel**

A provider of a covered service that enters into a contract described in paragraph (1) shall permit the consumer to cancel the contract, without paying early cancellation fees or other disconnection fees or penalties, during the 24-hour period beginning when the provider of the covered service sends the copy required by paragraph (2).

**(b) Consumer rights in e-billing**

If a provider of a covered service provides a bill to a consumer in an electronic format, the provider shall include in the bill—

(1) an itemized statement that breaks down the total amount charged for or relating to the provision of the covered service by the amount charged for the provision of the service itself and the amount of all related taxes, administrative fees, equipment fees, or other charges;

(2) the termination date of the contract for the provision of the covered service entered into between the consumer and the provider; and

(3) the termination date of any applicable promotional discount.

**(c) Consumer rights to accurate equipment charges**

A provider of a covered service or fixed broadband internet access service may not charge a consumer for—

(1) using covered equipment provided by the consumer; or

(2) renting, leasing, or otherwise providing to the consumer covered equipment if—

(A) the provider has not provided the equipment to the consumer; or

(B) the consumer has returned the equipment to the provider, except to the extent that the charge relates to the period beginning on the date when the provider provided the equipment to the consumer and ending on the date when the consumer returned the equipment to the provider.

**(d) Definitions**

In this section: