

SECOND REGULAR SESSION

# HOUSE BILL NO. 1500

## 91ST GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE MAYS (50).

Read 1<sup>st</sup> time January 16, 2002, and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

3867L.02I

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### AN ACT

To amend chapter 441, RSMo, by adding thereto one new section relating to landlord agreements with telecommunication providers.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Chapter 441, RSMo, is amended by adding thereto one new section, to be  
2 known as section 441.238, to read as follows:

**441.238. 1. For the purposes of this section, "provider" means a business that holds  
2 a certificate of service authority pursuant to section 392.440, RSMo, to provide local  
3 exchange telecommunication service from the Missouri public service commission or a  
4 business that holds a cable franchise with a local governing body pursuant to 11 U.S.C.  
5 Section 541.**

**6 2. If a landlord enters into an agreement with a provider for the provider to furnish  
7 services to the landlord's tenants, the agreement shall not create an exclusive right to  
8 provide service for the provider but shall allow other providers to compete for tenants'  
9 business if another provider requests to offer services of a like kind to the tenants. A  
10 landlord shall also allow a new provider to request the benefits of the terms and conditions  
11 of an existing agreement that exists between the landlord and a provider, on a  
12 competitively neutral and nondiscriminatory basis.**

**13 3. If a provider and a landlord can not agree on an appropriate rate of  
14 compensation for the diminution in value to the landlord caused by the presence of a  
15 provider, an arbitrator shall be appointed to determine the appropriate level of  
16 compensation due to the landlord. The arbitrator shall be an individual who is mutually  
17 agreeable to the parties. If the parties cannot agree, one or both of the parties may file a  
18 petition with the state district court to request a judge to appoint the arbitrator. The cost**

19 of such a petition shall be borne by both the parties.

20           **4. A landlord shall not enter into an agreement and no provider shall enforce an**  
21 **agreement that is designed to circumvent rules prescribed by the Federal Communications**  
22 **Commission with respect to cable home run wiring or inside wiring that is used to provide**  
23 **telecommunication services to tenants.**