

SECOND REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1991
99TH GENERAL ASSEMBLY

5710S.08T

2018

AN ACT

To repeal sections 67.1830 and 67.1846, RSMo, and to enact in lieu thereof sixteen new sections relating to the deployment of wireless facilities infrastructure, with a delayed effective date for certain sections.

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

Section A. Sections 67.1830 and 67.1846, RSMo, are repealed and sixteen new sections enacted in lieu thereof, to be known as sections 67.1830, 67.1846, 67.5110, 67.5111, 67.5112, 67.5113, 67.5114, 67.5115, 67.5116, 67.5117, 67.5118, 67.5119, 67.5120, 67.5121, 67.5122, and 67.5125, to read as follows:

67.1830. As used in sections 67.1830 to 67.1846, the following terms shall mean:

(1) "Abandoned equipment or facilities", any equipment materials, apparatuses, devices or facilities that are:

(a) Declared abandoned by the owner of such equipment or facilities;

(b) No longer in active use, physically disconnected from a portion of the operating facility or any other facility that is in use or in service, and no longer capable of being used for the same or similar purpose for which the equipment, apparatuses or facilities were installed; or

(c) No longer in active use and the owner of such equipment or facilities fails to respond within thirty days to a written notice sent by a political subdivision;

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

10 (2) "Degradation", the actual or deemed reduction in the useful life of the public
11 right-of-way resulting from the cutting, excavation or restoration of the public right-of-way;

12 (3) "Emergency", includes but is not limited to the following:

13 (a) An unexpected or unplanned outage, cut, rupture, leak or any other failure of a public
14 utility facility that prevents or significantly jeopardizes the ability of a public utility to provide
15 service to customers;

16 (b) An unexpected or unplanned outage, cut, rupture, leak or any other failure of a public
17 utility facility that results or could result in danger to the public or a material delay or hindrance
18 to the provision of service to the public if the outage, cut, rupture, leak or any other such failure
19 of public utility facilities is not immediately repaired, controlled, stabilized or rectified; or

20 (c) Any occurrence involving a public utility facility that a reasonable person could
21 conclude under the circumstances that immediate and undelayed action by the public utility is
22 necessary and warranted;

23 (4) "Excavation", any act by which earth, asphalt, concrete, sand, gravel, rock or any
24 other material in or on the ground is cut into, dug, uncovered, removed, or otherwise displaced,
25 by means of any tools, equipment or explosives, except that the following shall not be deemed
26 excavation:

27 (a) Any de minimis displacement or movement of ground caused by pedestrian or
28 vehicular traffic;

29 (b) The replacement of utility poles and related equipment at the existing general
30 location that does not involve either a street or sidewalk cut; or

31 (c) Any other activity which does not disturb or displace surface conditions of the earth,
32 asphalt, concrete, sand, gravel, rock or any other material in or on the ground;

33 (5) "Management costs" or "rights-of-way management costs", the actual costs a political
34 subdivision reasonably incurs in managing its public rights-of-way, including such costs, if
35 incurred, as those associated with the following:

36 (a) Issuing, processing and verifying right-of-way permit applications;

37 (b) Inspecting job sites and restoration projects;

38 (c) Protecting or moving public utility right-of-way user construction equipment after
39 reasonable notification to the public utility right-of-way user during public right-of-way work;

40 (d) Determining the adequacy of public right-of-way restoration;

41 (e) Restoring work inadequately performed after providing notice and the opportunity
42 to correct the work; and

43 (f) Revoking right-of-way permits.

44

45 Right-of-way management costs shall be the same for all entities doing similar work.
46 Management costs or rights-of-way management costs shall not include payment by a public
47 utility right-of-way user for the use or rent of the public right-of-way, degradation of the public
48 right-of-way or any costs as outlined in paragraphs (a) to (f) of this subdivision which are
49 incurred by the political subdivision as a result of use by users other than public utilities, the
50 attorneys' fees and cost of litigation relating to the interpretation of this section or section
51 67.1832, or litigation, interpretation or development of any ordinance enacted pursuant to this
52 section or section 67.1832, or attorneys' fees and costs in connection with issuing, processing,
53 or verifying right-of-way permits or other applications or agreements, or the political
54 subdivision's fees and costs related to appeals taken pursuant to section 67.1838. In granting or
55 renewing a franchise for a cable television system, a political subdivision may impose a franchise
56 fee and other terms and conditions permitted by federal law;

57 (6) "Managing the public right-of-way", the actions a political subdivision takes, through
58 reasonable exercise of its police powers, to impose rights, duties and obligations on all users of
59 the right-of-way, including the political subdivision, in a reasonable, competitively neutral and
60 nondiscriminatory and uniform manner, reflecting the distinct engineering, construction,
61 operation, maintenance and public work and safety requirements applicable to the various users
62 of the public right-of-way, provided that such rights, duties and obligations shall not conflict
63 with any federal law or regulation. In managing the public right-of-way, a political subdivision
64 may:

65 (a) Require construction performance bonds or insurance coverage or demonstration of
66 self-insurance at the option of the political subdivision or if the public utility right-of-way user
67 has twenty-five million dollars in net assets and does not have a history of permitting
68 noncompliance [~~within~~] in the political subdivision as defined by the political subdivision, then
69 the public utility right-of-way user shall not be required to provide such bonds or insurance;

70 (b) Establish coordination and timing requirements that do not impose a barrier to entry;

71 (c) Require public utility right-of-way users to submit, for right-of-way projects
72 commenced after August 28, 2001, requiring excavation within the public right-of-way, whether
73 initiated by a political subdivision or any public utility right-of-way user, project data in the form
74 maintained by the user and in a reasonable time after receipt of the request based on the amount
75 of data requested;

76 (d) Establish right-of-way permitting requirements for street excavation;

77 (e) Establish removal requirements for abandoned equipment or facilities, if the
78 existence of such facilities prevents or significantly impairs right-of-way use, repair, excavation
79 or construction;

80 (f) Establish permitting requirements for towers and other structures or equipment for
81 wireless communications facilities in the public right-of-way~~[, notwithstanding]~~ **under** the
82 provisions of section 67.1832, **provided that such permitting requirements shall also be**
83 **consistent with sections 67.5090 to 67.5103 and sections 67.5110 to 67.5121;**

84 (g) Establish standards for street restoration in order to lessen the impact of degradation
85 to the public right-of-way; and

86 (h) Impose permit conditions to protect public safety;

87 (7) "Political subdivision", a city, town, village, county of the first classification or
88 county of the second classification;

89 (8) "Public right-of-way", the area on, below or above a public roadway, highway, street
90 or alleyway in which the political subdivision has an ownership interest, but not including:

91 (a) The airwaves above a public right-of-way with regard to cellular or other nonwire
92 telecommunications or broadcast service;

93 (b) Easements obtained by utilities or private easements in platted subdivisions or tracts;

94 (c) Railroad rights-of-way and ground utilized or acquired for railroad facilities; or

95 (d) Poles, pipes, cables, conduits, wires, optical cables, or other means of transmission,
96 collection or exchange of communications, information, substances, data, or electronic or
97 electrical current or impulses utilized by a municipally owned or operated utility pursuant to
98 chapter 91 or pursuant to a charter form of government;

99 (9) "Public utility", every cable television service provider, every pipeline corporation,
100 gas corporation, electrical corporation, rural electric cooperative, telecommunications company,
101 water corporation, heating or refrigerating corporation or sewer corporation under the jurisdiction
102 of the public service commission; every municipally owned or operated utility pursuant to
103 chapter 91 or pursuant to a charter form of government or cooperatively owned or operated
104 utility pursuant to chapter 394; every street light maintenance district; every privately owned
105 utility; and every other entity, regardless of its form of organization or governance, whether for
106 profit or not, which in providing a public utility type of service for members of the general
107 public, utilizes pipes, cables, conduits, wires, optical cables, or other means of transmission,
108 collection or exchange of communications, information, substances, data, or electronic or
109 electrical current or impulses, in the collection, exchange or dissemination of its product or
110 services through the public rights-of-way;

111 (10) "Public utility right-of-way user", a public utility owning or controlling a facility
112 in the public right-of-way; and

113 (11) "Right-of-way permit", a permit issued by a political subdivision authorizing the
114 performance of excavation work in a public right-of-way.

67.1846. 1. Nothing in sections 67.1830 to 67.1846 relieves the political subdivision of any obligations under an existing franchise agreement in effect on May 1, 2001. Nothing in sections 67.1830 to 67.1846 will apply to that portion of any ordinance passed prior to May 1, 2001, which establishes a street degradation fee. Nothing in sections 67.1830 to 67.1846 shall be construed as limiting the authority of county highway engineers or relieving public utility right-of-way users from any obligations set forth in chapters 229 to 231. Nothing in sections 67.1830 to 67.1846 shall be deemed to relieve a public utility right-of-way user of the provisions of an existing franchise, franchise fees, license or other agreement or permit in effect on May 1, 2001. Nothing in sections 67.1830 to 67.1846 shall prohibit a political subdivision or public utility right-of-way user from renewing or entering into a new or existing franchise, as long as all other public utility right-of-way users have use of the public right-of-way on a nondiscriminatory basis. Nothing in sections 67.1830 to 67.1846 shall prevent a grandfathered political subdivision from enacting new ordinances, including amendments of existing ordinances, charging a public utility right-of-way user a fair and reasonable linear foot fee or antenna fee or from enforcing or renewing existing linear foot ordinances for use of the right-of-way, provided that the public utility right-of-way user either:

(1) Is entitled under the ordinance to a credit for any amounts paid as business license taxes or gross receipts taxes; or

(2) Is not required by the political subdivision to pay the linear foot fee **or antenna fee** if the public utility right-of-way user is paying gross receipts taxes, **business license fees, or business license taxes that are not nominal and that are imposed specifically on communications-related revenue, services, or equipment.**

For purposes of this section, a "grandfathered political subdivision" is any political subdivision which has, prior to May 1, 2001, enacted one or more ordinances reflecting a policy of imposing any linear foot fees on any public utility right-of-way user, including ordinances which were specific to particular public right-of-way users. Any existing ordinance or new ordinance passed by a grandfathered political subdivision providing for payment of the greater of a linear foot fee or a gross receipts ~~fee~~ **tax** shall be enforceable only with respect to the linear foot fee.

2. Nothing in sections 67.1830 to 67.1846 shall prohibit a political subdivision from enacting, renewing or enforcing provisions of an ordinance to require a business license tax, sales tax, occupation tax, franchise tax or franchise fee, property tax or other similar tax, to the extent consistent with federal law. Nothing in sections 67.1830 to 67.1846 shall prohibit a political subdivision from enacting, enforcing or renewing provisions of an ordinance to require a gross receipts tax pursuant to chapter 66, chapter 92, or chapter 94. For purposes of this subsection, the term "franchise fee" shall mean "franchise tax".

2 **67.5110. Sections 67.5110 to 67.5121 shall be known and may be cited as the**
3 **"Uniform Small Wireless Facility Deployment Act", which is intended to encourage and**
4 **streamline the deployment of small wireless facilities and to help ensure that robust and**
5 **dependable wireless radio-based communication services and networks are available**
6 **throughout Missouri, which is a matter of legitimate statewide concern, by adopting a**
7 **uniform statewide framework for the deployment of small wireless facilities and the utility**
8 **poles to which they are attached consistent with sections 67.5110 to 67.5121 and sections**
9 **67.1830 to 67.1846.**

10 **67.5111. As used in sections 67.5110 to 67.5121, the following terms shall mean:**

- 11 **(1) "Antenna", communications equipment that transmits or receives**
12 **electromagnetic radio frequency signals used in the provision of wireless services;**
- 13 **(2) "Applicable codes", uniform building, fire, electrical, plumbing, or mechanical**
14 **codes adopted by a recognized national code organization or local amendments to such**
15 **codes enacted to prevent physical property damage or reasonably foreseeable injury to**
16 **persons to the extent not inconsistent with sections 67.5110 to 67.5121;**
- 17 **(3) "Applicant", any person who submits an application and is a wireless provider;**
- 18 **(4) "Application", a request submitted by an applicant to an authority for a permit**
19 **to collocate small wireless facilities on a utility pole or wireless support structure, or to**
20 **approve the installation, modification, or replacement of a utility pole;**
- 21 **(5) "Authority", the state or any agency, county, municipality, district, or**
22 **subdivision thereof or any instrumentality of the same. The term shall not include**
23 **municipal electric utilities or state courts having jurisdiction over an authority;**
- 24 **(6) "Authority pole", a utility pole owned, managed, or operated by or on behalf**
25 **of an authority, but such term shall not include municipal electric utility distribution poles**
26 **or facilities;**
- 27 **(7) "Authority wireless support structure", a wireless support structure owned,**
28 **managed, or operated by or on behalf of an authority;**
- 29 **(8) "Collocate" or "collocation", to install, mount, maintain, modify, operate, or**
30 **replace small wireless facilities on or immediately adjacent to a wireless support structure**
31 **or utility pole, provided that the small wireless facility antenna is located on the wireless**
32 **support structure or utility pole;**
- 33 **(9) "Communications facility", the set of equipment and network components,**
34 **including wires, cables, and associated facilities used by a cable operator, as defined in 47**
35 **U.S.C. Section 522(5); a telecommunications carrier, as defined in 47 U.S.C. Section**
36 **153(51); a provider of information service, as defined in 47 U.S.C. Section 153(24); or a**
37 **wireless services provider; to provide communications services, including cable service, as**

29 defined in 47 U.S.C. Section 522(6); telecommunications service, as defined in 47 U.S.C.
30 Section 153(53); an information service, as defined in 47 U.S.C. Section 153(24); wireless
31 communications service; or other one-way or two-way communications service;

32 (10) "Communications service provider", a cable operator, as defined in 47 U.S.C.
33 Section 522(5); a provider of information service, as defined in 47 U.S.C. Section 153(24);
34 a telecommunications carrier, as defined in 47 U.S.C. Section 153(51); or a wireless
35 provider;

36 (11) "Decorative pole", an authority pole that is specially designed and placed for
37 aesthetic purposes;

38 (12) "Fee", a one-time, nonrecurring charge;

39 (13) "Historic district", a group of buildings, properties, or sites that are either
40 listed in the National Register of Historic Places or formally determined eligible for listing
41 by the Keeper of the National Register, the individual who has been delegated the authority
42 by the federal agency to list properties and determine their eligibility for the National
43 Register, in accordance with Section VI.D.1.a.i-v of the Nationwide Programmatic
44 Agreement codified at 47 C.F.R. Part 1, Appendix C, or are otherwise located in a district
45 made subject to special design standards adopted by a local ordinance or under state law
46 as of January 1, 2018, or subsequently enacted for new developments;

47 (14) "Micro wireless facility", a small wireless facility that meets the following
48 qualifications:

49 (a) Is not larger in dimension than twenty-four inches in length, fifteen inches in
50 width, and twelve inches in height; and

51 (b) Any exterior antenna no longer than eleven inches;

52 (15) "Permit", a written authorization required by an authority to perform an
53 action or initiate, continue, or complete a project;

54 (16) "Person", an individual, corporation, limited liability company, partnership,
55 association, trust, or other entity or organization, including an authority;

56 (17) "Rate", a recurring charge;

57 (18) "Right-of-way", the area on, below, or above a public roadway, highway,
58 street, sidewalk, alley, or similar property used for public travel, but not including a
59 federal interstate highway, railroad right-of-way, or private easement;

60 (19) "Small wireless facility", a wireless facility that meets both of the following
61 qualifications:

62 (a) Each wireless provider's antenna could fit within an enclosure of no more than
63 six cubic feet in volume; and

64 **(b) All other equipment associated with the wireless facility, whether ground or**
65 **pole mounted, is cumulatively no more than twenty-eight cubic feet in volume, provided**
66 **that no single piece of equipment on the utility pole shall exceed nine cubic feet in volume;**
67 **and no single piece of ground mounted equipment shall exceed fifteen cubic feet in volume,**
68 **exclusive of equipment required by an electric utility or municipal electric utility to power**
69 **the small wireless facility.**

70

71 **The following types of associated ancillary equipment shall not be included in the**
72 **calculation of equipment volume: electric meter, concealment elements,**
73 **telecommunications demarcation box, grounding equipment, power transfer switch, cut-off**
74 **switch, and vertical cable runs and related conduit for the connection of power and other**
75 **services;**

76 **(20) "Technically feasible", by virtue of engineering or spectrum usage, the**
77 **proposed placement for a small wireless facility or its design or site location can be**
78 **implemented without a reduction in the functionality of the small wireless facility;**

79 **(21) "Utility pole", a pole or similar structure that is or may be used in whole or**
80 **in part by or for wireline communications, electric distribution, lighting, traffic control,**
81 **signage, or a similar function, or for the collocation of small wireless facilities; provided,**
82 **however, such term shall not include wireless support structures, electric transmission**
83 **structures, or breakaway poles owned by the state highways and transportation**
84 **commission;**

85 **(22) "Wireless facility", equipment at a fixed location that enables wireless**
86 **communications between user equipment and a communications network, including**
87 **equipment associated with wireless communications and radio transceivers, antennas,**
88 **coaxial or fiber-optic cable, regular and backup power supplies, and comparable**
89 **equipment, regardless of technological configuration. The term includes small wireless**
90 **facilities. The term does not include:**

91 **(a) The structure or improvements on, under, or within which the equipment is**
92 **collocated;**

93 **(b) Coaxial or fiber-optic cable between wireless support structures or utility poles;**

94 **(c) Coaxial or fiber-optic cable not directly associated with a particular small**
95 **wireless facility; or**

96 **(d) A wireline backhaul facility;**

97 **(23) "Wireless infrastructure provider", any person, including a person authorized**
98 **to provide telecommunications service in the state, that builds or installs wireless**

99 communication transmission equipment or wireless facilities but that is not a wireless
100 services provider;

101 (24) "Wireless provider", a wireless infrastructure provider or a wireless services
102 provider;

103 (25) "Wireless services", any services using licensed or unlicensed spectrum,
104 including the use of wifi, whether at a fixed location or mobile, provided to the public using
105 wireless facilities;

106 (26) "Wireless services provider", a person who provides wireless services;

107 (27) "Wireless support structure", an existing structure, such as a monopole or
108 tower, whether guyed or self-supporting, designed to support or capable of supporting
109 wireless facilities; an existing or proposed billboard; an existing or proposed building; or
110 other existing or proposed structure capable of supporting wireless facilities, other than
111 a structure designed solely for the collocation of small wireless facilities. Such term shall
112 not include a utility pole;

113 (28) "Wireline backhaul facility", a physical transmission path, all or part of which
114 is within the right-of-way, used for the transport of communication data by wire from a
115 wireless facility to a network.

67.5112. 1. The provisions of this section shall only apply to activities of a wireless
2 provider within the right-of-way to deploy small wireless facilities and associated utility
3 poles.

4 2. An authority shall not enter into an exclusive arrangement with any person for
5 use or management of the right-of-way for the collocation of small wireless facilities or the
6 installation, operation, marketing, modification, maintenance, management, or
7 replacement of utility poles.

8 3. Subject to the provisions of sections 67.5110 to 67.5121, an authority shall permit
9 a wireless provider, as a permitted use not subject to zoning review or approval, to
10 collocate small wireless facilities and install, maintain, modify, operate, and replace utility
11 poles along, across, upon, and under the right-of-way, except that the placement in the
12 right-of-way of new or modified utility poles in single-family residential or areas zoned as
13 historic as of August 28, 2018, remains subject to any applicable zoning requirements that
14 are consistent with sections 67.5090 to 67.5103. Small wireless facilities collocated outside
15 the right-of-way in property not zoned primarily for single-family residential use shall be
16 classified as permitted uses and not subject to zoning review or approval. Such small
17 wireless facilities and utility poles shall be installed and maintained as not to obstruct or
18 hinder the usual travel or public safety on such right-of-way or obstruct the legal use of

19 such right-of-way by authorities or other authorized right-of-way users. Nothing in this
20 section shall grant any wireless provider the power of eminent domain.

21 4. Nothing in sections 67.5110 to 67.5121 shall prevent an authority, on a
22 nondiscriminatory basis, from requiring a permit, with reasonable conditions, for work
23 in a right-of-way that will involve excavation, affect traffic patterns, obstruct traffic in the
24 right-of-way, or materially impede the use of a sidewalk.

25 5. Each new, replacement, or modified utility pole installed in the right-of-way shall
26 not exceed the greater of ten feet in height above the tallest existing utility pole in place as
27 of the effective date of sections 67.5110 to 67.5121 located within five hundred feet of the
28 new pole in the same right-of-way, or fifty feet above ground level. New small wireless
29 facilities in the right-of-way shall not extend more than ten feet above an existing utility
30 pole in place as of August 28, 2018, or for small wireless facilities on a new utility pole,
31 above the height permitted for a new utility pole under this section. A new, modified, or
32 replacement utility pole that exceeds these height limits shall be subject to any applicable
33 zoning requirements that apply to other utility poles and are consistent with sections
34 67.5090 to 67.5103.

35 6. A wireless provider shall be permitted to replace decorative poles when necessary
36 to collocate a small wireless facility, but any replacement pole shall reasonably conform to
37 the design aesthetics of the decorative pole or poles being replaced.

38 7. Subject to subsection 4 of section 67.5113, and except for facilities excluded from
39 evaluation for effects on historic properties under 47 C.F.R. Section 1.1307(a)(4) of the
40 Federal Communications Commission rules, an authority may require reasonable,
41 technically feasible, nondiscriminatory, and technologically neutral design or concealment
42 measures in a historic district. Any such design or concealment measures shall not have
43 the effect of prohibiting any provider's technology, nor shall any such measures be
44 considered a part of the small wireless facility for purposes of the size restrictions in the
45 definition of small wireless facility.

46 8. The authority, in the exercise of its administration and regulation related to the
47 management of the right-of-way, shall be competitively neutral with regard to other users
48 of the right-of-way, including that terms shall not be unreasonable or discriminatory and
49 shall not violate any applicable law. Nothing in sections 67.5110 to 67.5121 shall in any
50 way be construed to modify or otherwise affect the rights, privileges, obligations, or duties,
51 existing prior to August 28, 2018, of an electrical corporation, as defined in section 386.020,
52 or of a rural electric cooperative established under chapter 394, except to the extent that
53 the corporation or cooperative deploys small wireless facilities that are used to provide
54 services unrelated to the provision of their electric and gas utility service.

55 **9. Small wireless facility collocations completed on or after August 28, 2018, shall**
56 **not interfere with or impair the operation of existing utility facilities, or authority or third-**
57 **party attachments. The authority may require a wireless provider to repair all damage to**
58 **the right-of-way directly caused by the activities of the wireless provider in the right-of-**
59 **way and to return the right-of-way to its functional equivalence before the damage under**
60 **the competitively neutral, reasonable requirements and specifications of the authority. If**
61 **the wireless provider fails to make the repairs required by the authority within a**
62 **reasonable time after written notice, the authority may make those repairs and charge the**
63 **applicable party the reasonable, documented cost of such repairs.**

67.5113. 1. The provisions of this section shall apply to the permitting of small
2 **wireless facilities by a wireless provider in or outside the right-of-way and to the permitting**
3 **of the installation, modification, and replacement of utility poles by a wireless provider**
4 **inside the right-of-way.**

5 **2. An authority shall not prohibit, regulate, or charge for the collocation of small**
6 **wireless facilities, except as provided under sections 67.5110 to 67.5121.**

7 **3. An authority may require an applicant to obtain one or more permits to collocate**
8 **a small wireless facility or install a new, modified, or replacement utility pole associated**
9 **with a small wireless facility as provided in subsection 3 of section 67.5112, provided such**
10 **permits are of general applicability and do not apply exclusively to wireless facilities. An**
11 **authority shall receive applications for, process, and issue such permits subject to the**
12 **following requirements:**

13 **(1) An authority shall not directly or indirectly require an applicant to perform**
14 **services or provide goods unrelated to the permit, such as in-kind contributions to the**
15 **authority, including reserving fiber, conduit, or pole space for the authority;**

16 **(2) An applicant shall not be required to provide more information to obtain a**
17 **permit than communications service providers that are not wireless providers, provided**
18 **that an applicant may be required to include construction and engineering drawings and**
19 **information demonstrating compliance with the criteria in subdivision (9) of this**
20 **subsection and an attestation that the small wireless facility complies with the volumetric**
21 **limitations in subdivision (19) of section 67.5111;**

22 **(3) An authority shall not require the placement of small wireless facilities on any**
23 **specific utility pole or category of poles or require multiple antenna systems on a single**
24 **utility pole;**

25 **(4) An authority shall not limit the placement of small wireless facilities by**
26 **minimum horizontal separation distances;**

27 **(5) An authority may require a small wireless facility to comply with reasonable,**
28 **objective, and cost-effective concealment or safety requirements adopted by the authority;**

29 **(6) The authority may require an applicant that is not a wireless services provider**
30 **to provide evidence of agreements or plans demonstrating that the small wireless facilities**
31 **will be operational for use by a wireless services provider within one year after the permit**
32 **issuance date, unless the authority and the applicant agree to extend this period or if delay**
33 **is caused by lack of commercial power or communications transport facilities to the site**
34 **and the applicant notifies the authority thereof. An authority may require an applicant**
35 **that is a wireless services provider to provide the information required by this subdivision**
36 **by attestation;**

37 **(7) Within fifteen days of receiving an application, an authority shall determine and**
38 **notify the applicant in writing whether the application is complete. If an application is**
39 **incomplete, an authority shall specifically identify the missing information in writing. The**
40 **processing deadline in subdivision (8) of this subsection is tolled from the time the**
41 **authority sends the notice of incompleteness to the time the applicant provides the missing**
42 **information. That processing deadline may also be tolled by agreement of the applicant**
43 **and the authority;**

44 **(8) An application for collocation shall be processed on a nondiscriminatory basis**
45 **and deemed approved if the authority fails to approve or deny the application within forty-**
46 **five days of receipt of the application, except that the state highways and transportation**
47 **commission shall have sixty days to approve or deny an application from the date the**
48 **application was received. An application for installation of a new, modified, or**
49 **replacement utility pole associated with a small wireless facility shall be processed on a**
50 **nondiscriminatory basis and deemed approved if the authority fails to approve or deny the**
51 **application within sixty days of receipt of the application;**

52 **(9) An authority may deny a proposed collocation of a small wireless facility or**
53 **installation, modification, or replacement of a utility pole that meets the requirements in**
54 **subsection 3 of section 67.5112 only if the action proposed in the application could**
55 **reasonably be expected to:**

56 **(a) Materially interfere with the safe operation of traffic control equipment or**
57 **authority-owned communications equipment;**

58 **(b) Materially interfere with sight lines or clear zones for transportation,**
59 **pedestrians, or nonmotorized vehicles;**

60 **(c) Materially interfere with compliance with the Americans with Disabilities Act,**
61 **42 U.S.C. Sections 12101 to 12213, or similar federal or state standards regarding**
62 **pedestrian access or movement;**

63 **(d) Materially obstruct or hinder the usual travel or public safety on the right-of-**
64 **way;**

65 **(e) Materially obstruct the legal use of the right-of-way by an authority, utility, or**
66 **other third party;**

67 **(f) Fail to comply with reasonable and nondiscriminatory spacing requirements of**
68 **general application adopted by ordinance or regulations promulgated by the state**
69 **highways and transportation commission that concern the location of ground mounted**
70 **equipment and new utility poles. Such spacing requirements shall not prevent a wireless**
71 **provider from serving any location and shall include a waiver, zoning, or other process that**
72 **addresses wireless provider requests for exception or variance and does not prohibit**
73 **granting of such exceptions or variances;**

74 **(g) Fail to comply with applicable codes, including nationally recognized**
75 **engineering standards for utility poles or wireless support structures;**

76 **(h) Fail to comply with the reasonably objective and documented aesthetics of a**
77 **decorative pole and the applicant does not agree to pay to match the applicable decorative**
78 **elements; or**

79 **(i) Fail to comply with reasonable and nondiscriminatory undergrounding**
80 **requirements contained in local ordinances as of January 1, 2018, or subsequently enacted**
81 **for new developments, that require all utility facilities in the area to be placed**
82 **underground and prohibit the installation of new or the modification of existing utility**
83 **poles in a right-of-way without prior approval, provided that such requirements include**
84 **a waiver or other process of addressing requests to install such utility poles and do not**
85 **prohibit the replacement or modification of existing utility poles consistent with this section**
86 **or the provision of wireless services;**

87 **(10) The authority shall document the complete basis for a denial in writing, and**
88 **send the documentation to the applicant on or before the day the authority denies an**
89 **application. The applicant may cure the deficiencies identified by the authority and**
90 **resubmit the application within thirty days of the denial without paying an additional**
91 **application fee. The authority shall approve or deny the revised application within thirty**
92 **days. Any subsequent review shall be limited to the deficiencies cited in the denial;**

93 **(11) (a) An applicant seeking to collocate small wireless facilities within the**
94 **jurisdiction of a single authority shall be allowed, at the applicant's discretion, to file a**
95 **consolidated application and receive a single permit for the collocation of multiple small**
96 **wireless facilities; provided, however, the denial of one or more small wireless facilities in**
97 **a consolidated application shall not delay processing of any other small wireless facilities**
98 **in the same batch; and**

99 **(b) An application may include up to twenty separate small wireless facilities,**
100 **provided that they are for the same or materially same design of small wireless facility**
101 **being collocated on the same or materially the same type of utility pole or wireless support**
102 **structure, and geographically proximate. If an authority receives individual applications**
103 **for approval of more than fifty small wireless facilities or consolidated applications for**
104 **approval of more than seventy-five small wireless facilities within a fourteen day period,**
105 **whether from a single applicant or multiple applicants, the authority may, upon its own**
106 **request, obtain an automatic thirty day extension for any additional collocation or**
107 **replacement or installation application submitted during that fourteen day period or in the**
108 **fourteen day period immediately following the prior fourteen day period. An authority**
109 **shall promptly communicate its request to each and any affected applicant. In rendering**
110 **a decision on an application for multiple small wireless facilities, the authority may**
111 **approve the application as to certain individual small wireless facilities while denying it as**
112 **to others based on applicable requirements and standards, including those identified in this**
113 **section. The authority's denial of any individual small wireless facility or subset of small**
114 **wireless facilities within an application shall not be a basis to deny the application as a**
115 **whole;**

116 **(12) Installation or collocation for which a permit is granted under this section shall**
117 **be completed within one year after the permit issuance date unless the authority and the**
118 **applicant agree to extend this period, or the applicant notifies the authority that the delay**
119 **is caused by a lack of commercial power or communications transport facilities to the site.**
120 **Approval of an application authorizes the applicant to:**

121 **(a) Undertake the installation or collocation; and**

122 **(b) Operate and maintain the small wireless facilities and any associated utility pole**
123 **covered by the permit for a period of not less than ten years, which shall be renewed for**
124 **equivalent durations so long as they are in compliance with the criteria set forth in**
125 **subdivision (9) of this subsection, unless the applicant and the authority agree to an**
126 **extension term of less than ten years. The provisions of this paragraph shall be subject to**
127 **the right of the authority to require, upon adequate notice and at the facility owner's own**
128 **expense, relocation of facilities as may be needed in the interest of public safety and**
129 **convenience, and the applicant's right to terminate at any time;**

130 **(13) An authority shall not institute, either expressly or de facto, a moratorium on**
131 **filing, receiving, or processing applications or issuing permits or other approvals, if any,**
132 **for the collocation of small wireless facilities or the installation, modification, or**
133 **replacement of utility poles to support small wireless facilities. Notwithstanding the**
134 **foregoing, an authority may impose a temporary moratorium on applications for small**

135 wireless facilities and the collocation thereof for the duration of a federal or state-declared
136 natural disaster plus a reasonable recovery period, or for no more than thirty days in the
137 event of a major and protracted staffing shortage that reduces the number of personnel
138 necessary to receive, review, process, and approve or deny applications for the collocation
139 of small wireless facilities by more than fifty percent;

140 (14) Nothing in this section precludes an authority from adopting reasonable rules
141 with respect to the removal of abandoned small wireless facilities;

142 (15) In determining whether sufficient capacity exists to accommodate the
143 attachment of a new small wireless facility, an authority shall grant access subject to a
144 reservation to reclaim such space, when and if needed, to meet the pole owner's core utility
145 purpose or documented authority plan projected at the time of the application pursuant
146 to a bona fide development plan, or if the state highways and transportation commission
147 is the relevant authority and determines, in its sole discretion, that attachment of the small
148 wireless facility will affect the safety of the public using the right-of-way; and

149 (16) In emergency circumstances that result from a natural disaster or accident, an
150 authority may require the owner or operator of a wireless facility to immediately remove
151 such facility if the wireless facility is obstructing traffic or causing a hazard on the
152 authority's roadway. In the event that the owner or operator of the wireless facility is
153 unable to immediately remove the wireless facility, the authority is authorized to remove
154 the wireless facility from the roadway or other position that renders the wireless facility
155 hazardous. Under these emergency circumstances, the authority shall not be liable for any
156 damage caused by removing the wireless facility and may charge the owner or operator of
157 the wireless facility the authority's reasonable expenses incurred in removing the wireless
158 facility.

159 4. An authority shall not require an application for:

160 (1) Routine maintenance on previously permitted small wireless facilities;

161 (2) The replacement of small wireless facilities with small wireless facilities that are
162 the same or smaller in size, weight, and height; or

163 (3) The installation, placement, maintenance, operation, or replacement of micro
164 wireless facilities that are strung on cables between utility poles, in compliance with
165 applicable codes.

166

167 For work described in subdivisions (1) and (2) of this subsection that involves different
168 equipment than that being replaced, an authority may require a description of such new
169 equipment so that the authority may maintain an accurate inventory of the small wireless
170 facilities at that location.

171 **5. No approval for the installation, placement, maintenance, or operation of a small**
172 **wireless facility under this section shall be construed to confer authorization for the**
173 **provision of cable television service, or installation, placement, maintenance, or operation**
174 **of a wireline backhaul facility or communications facility, other than a small wireless**
175 **facility, in the right-of-way.**

176 **6. Except as provided in sections 67.5110 to 67.5121, no authority may adopt or**
177 **enforce any ordinances or requirements that require the holder of a franchise or video**
178 **service authorization as defined under section 67.2677 and that could be required to pay**
179 **a video service provider fee to a franchise entity under section 67.2689, to obtain additional**
180 **authorization or to pay additional fees for the provision of communications service over**
181 **such holder's communications facilities in the right-of-way.**

182 **7. A municipal electric utility shall not require an application for the installation,**
183 **placement, maintenance, operation, or replacement of micro wireless facilities that are**
184 **strung on cables between utility poles, in compliance with applicable codes.**

67.5114. 1. This section only applies to collocations on authority poles and
2 **authority wireless support structures that are located on authority property outside the**
3 **right-of-way.**

4 **2. Subject to subsection 3 of this section, an authority shall authorize the collocation**
5 **of small wireless facilities on authority wireless support structures and authority poles to**
6 **the same extent, if any, that the authority permits access to such structures for other**
7 **commercial projects or uses. Such collocations shall be subject to reasonable and**
8 **nondiscriminatory rates, fees, and terms as provided in an agreement between the**
9 **authority, or its agent, and the wireless provider.**

10 **3. An authority shall not enter into an exclusive agreement with a wireless provider**
11 **concerning authority poles or authority wireless support structures, including stadiums**
12 **and enclosed arenas, unless the agreement meets the following requirements:**

13 **(1) The wireless provider provides service using a shared network of wireless**
14 **facilities that it makes available for access by other wireless providers, on reasonable and**
15 **nondiscriminatory rates and terms that shall include use of the entire shared network, as**
16 **to itself, an affiliate, or any other entity; or**

17 **(2) The wireless provider allows other wireless providers to collocate small wireless**
18 **facilities, on reasonable and nondiscriminatory rates and terms, as to itself, an affiliate, or**
19 **any other entity.**

20 **4. When determining whether a rate, fee, or term is reasonable and**
21 **nondiscriminatory for the purposes of this section, consideration may be given to any**
22 **relevant facts, including alternative financial or service remuneration, characteristics of**

23 the proposed equipment or installation, structural limitations, or other commercial or
24 unique features or components.

2 67.5115. 1. The provisions of this section shall apply to activities of a wireless
3 provider within the right-of-way.

4 2. A person owning, managing, or controlling authority poles in the right-of-way
5 shall not enter into an exclusive arrangement with any person for the right to attach to
6 such poles. A person who purchases or otherwise acquires an authority pole is subject to
7 the requirements of this section.

8 3. An authority shall allow the collocation of small wireless facilities on authority
9 poles using the process set forth in section 67.5113.

10 4. The authority may require, as part of an application, engineering and
11 construction drawings, as well as plans and detailed cost estimates for any make-ready
12 work as needed, for which the applicant shall be solely responsible.

13 5. Make-ready work shall be addressed as follows, unless the parties agree to
14 different terms in a pole attachment agreement:

15 (1) The rates, fees, and terms and conditions for the make-ready work to collocate
16 on an authority pole shall be nondiscriminatory, competitively neutral, and commercially
17 reasonable, and shall comply with sections 67.5110 to 67.5121;

18 (2) The authority shall provide a good faith estimate for any make-ready work
19 necessary to enable the pole to support the requested collocation by a wireless provider,
20 including pole replacement if necessary, within sixty days after receipt of a complete
21 application. Make-ready work, including any pole replacement, shall be completed within
22 sixty days of written acceptance of the good faith estimate and advance payment, if
23 required, by the applicant. An authority may require replacement of the authority pole
24 on a nondiscriminatory basis for reasons of safety and reliability, including a
25 demonstration that the collocation would make the authority pole structurally unsound,
26 including, but not limited to, if the collocation would cause a utility pole owned by the state
27 highways and transportation commission to fail a crash test; and

28 (3) The person owning, managing, or controlling the authority pole shall not
29 require more make-ready work than required to meet applicable codes or industry
30 standards. Fees for make-ready work shall not include costs related to preexisting or prior
31 damage or noncompliance unless the authority had determined, prior to the filing of the
32 application, to permanently abandon and not repair or replace the structure. Fees for
33 make-ready work, including any pole replacement, shall not exceed actual costs or the
amount charged to other communications service providers for similar work, and shall not

34 include third party fees, charges, or expenses, except for amounts charged by licensed
35 contractors actually performing the make-ready work.

36 6. When a small wireless facility is located in the right-of-way of the state highway
37 system, equipment and facilities directly associated with a particular small wireless facility,
38 including coaxial and fiber optic cable, conduit, and ground mounted equipment, shall
39 remain in the utility corridor except as needed to reach an authority or utility pole in the
40 right-of-way but outside the utility corridor in which the small wireless facility is
41 collocated.

 67.5116. 1. This section shall govern the rate to collocate small wireless facilities
2 and an authority's rates and fees for the placement of utility poles, but shall not limit an
3 authority's ability to recover specific removal costs from the attaching wireless provider
4 for abandoned structures. The rates to collocate on authority poles shall be
5 nondiscriminatory regardless of the services provided by the collocating applicant.

6 2. An authority shall not require a wireless provider to pay any rates, fees, or
7 compensation to the authority or other person other than what is expressly authorized by
8 sections 67.5110 to 67.5121 for the use and occupancy of a right-of-way, for collocation of
9 small wireless facilities on utility poles in the right-of-way, or for the installation,
10 maintenance, modification, operation, and replacement of utility poles in the right-of-way.

11 3. Application fees shall be subject to the following requirements:

12 (1) Application fees shall be based on actual, direct, and reasonable administrative
13 costs incurred for the review, processing, and approval of an application for the placement
14 of a small wireless facility or the installation or replacement of a utility pole. Any such
15 costs already recovered by existing fees, rates, licenses, or taxes paid by a wireless services
16 provider shall not be included in the application fee;

17 (2) An application fee shall not include travel expenses incurred by a third party
18 in its review of an application, or direct payment or reimbursement of third party rates or
19 fees charged on a contingency basis or a result-based arrangement;

20 (3) The total fee for any application under subsection 3 of section 67.5113 for
21 collocation of small wireless facilities on existing authority poles shall not exceed one
22 hundred dollars per small wireless facility. An applicant filing a consolidated application
23 under subdivision (11) of subsection 3 of section 67.5113 shall pay one hundred dollars per
24 small wireless facility included in the consolidated application; and

25 (4) The total application fees for the installation, modification, or replacement of
26 a utility pole and the collocation of an associated small wireless facility shall not exceed five
27 hundred dollars per pole.

28 **4. (1) The rate for collocation of a small wireless facility to an authority pole shall**
29 **not exceed one hundred fifty dollars per authority pole per year.**

30 **(2) An authority shall not charge a wireless provider any fee, tax other than a tax**
31 **authorized by subdivision (3) of this subsection, or other charge, or require any other form**
32 **of payment or compensation, to locate a wireless facility or wireless support structure on**
33 **privately owned property, or on a wireless support structure not owned by the authority.**

34 **(3) No authority shall demand any fees, rentals, licenses, charges, payments, or**
35 **assessments from any applicant or wireless provider for, or in any way relating to or**
36 **arising from, the construction, deployment, installation, mounting, modification, operation,**
37 **use, replacement, maintenance, or repair of small wireless facilities or utility poles, except**
38 **for the following:**

39 **(a) As otherwise expressly provided in sections 67.5110 to 67.5121;**

40 **(b) Applicable personal property and sales taxes or generally applicable fees for**
41 **encroachment or electrical permits;**

42 **(c) Applicable fair and reasonable linear foot fees as provided in subsection 1 of**
43 **section 67.1846 associated with coaxial or fiber-optic cable in the right-of-way that is:**

44 **a. Between wireless support structures or utility poles;**

45 **b. Not directly associated with a particular small wireless facility; or**

46 **c. A wireline backhaul facility.**

47

48 **No authority shall require a wireless provider to pay a linear foot fee for coaxial or fiber-**
49 **optic cable in the right-of-way associated with a small wireless facility if the owner of such**
50 **coaxial or fiber-optic cable in the right-of-way already is assessed and charged such a**
51 **linear foot fee; and**

52 **(d) Right-of-way permit fees established under section 67.1840 for the recovery of**
53 **actual, substantiated right-of-way management costs or as otherwise authorized under**
54 **section 229.340.**

55

56 **Right-of-way permit fees imposed on applicants and wireless providers shall be**
57 **competitively neutral with regard to all other users of the right-of-way; shall not be in the**
58 **form of a franchise fee or tax or other fee based on noncost related factors such as revenue,**
59 **sales, profits, lines, subscriptions, or customer counts; and shall not result in double**
60 **recovery where existing charges already recover the direct and actual costs of managing**
61 **the right-of-way. This paragraph prohibits the imposition of business license taxes,**
62 **business license fees, or gross receipts taxes on wireless providers, whether based on gross**
63 **receipts or other factors, except that this subdivision allows the imposition of such taxes**

64 and fees consistent with subsection 2 of section 67.1846 that are also imposed on wireline
65 telecommunications businesses operating within the jurisdiction of the authority, or as
66 mutually agreed to by the authority and the wireless provider.

67.5117. Nothing in sections 67.5110 to 67.5121 shall be interpreted to allow any
2 entity to provide services regulated under 47 U.S.C. Sections 521 to 573 without compliance
3 with all laws applicable to such providers, nor shall sections 67.5110 to 67.5121 be
4 interpreted to impose any new requirements on cable providers for the provision of such
5 service in this state.

67.5118. Subject to the provisions of sections 67.5110 to 67.5121 and applicable
2 federal law, an authority shall continue to exercise zoning, land use, planning, and
3 permitting authority within its territorial boundaries, including with respect to wireless
4 support structures and utility poles, except that no authority shall have or exercise any
5 jurisdiction or authority over the design, engineering, construction, installation, or
6 operation of any small wireless facility located in an interior structure or upon the site of
7 any campus, stadium, or athletic facility not owned or controlled by the authority, other
8 than to comply with applicable codes. Nothing in sections 67.5110 to 67.5121 authorizes
9 the state or any political subdivision, including an authority, to require wireless facility
10 deployment or to regulate wireless services.

67.5119. 1. Within the later of two months after August 28, 2018, or two months
2 after receiving a request from a wireless provider, an authority shall adopt an ordinance
3 or develop an agreement that makes available to wireless providers rates, fees, and other
4 terms that comply with sections 67.5110 to 67.5121, subject to subsections 2 of this section.
5 An authority and a wireless provider may enter into an agreement implementing sections
6 67.5110 to 67.5121, but an authority shall not require a wireless provider to enter into such
7 an agreement.

8 2. Sections 67.5110 to 67.5121 shall not nullify, modify, amend, or prohibit a mutual
9 agreement between an authority and a wireless provider made prior to August 28, 2018,
10 but an agreement that does not fully comply with sections 67.5110 to 67.5121 shall apply
11 only to small wireless facilities and utility poles that were installed or approved for
12 installation before August 28, 2018, subject to any termination provisions in the agreement.
13 Such an agreement shall not be renewed, extended, or made to apply to any small wireless
14 facility or utility pole installed or approved for installation after August 28, 2018, unless
15 it is modified to fully comply with sections 67.5110 to 67.5121. In the absence of an
16 agreement, and until such a compliant agreement or ordinance is entered or adopted, small
17 wireless facilities and utility poles that become operational or were constructed before

18 **August 28, 2018, may remain installed and be operated under the requirements of sections**
19 **67.5110 to 67.5121.**

2 **67.5120. A court of competent jurisdiction shall have jurisdiction to determine all**
3 **disputes arising under sections 67.5110 to 67.5121.**

4 **67.5121. 1. An authority may adopt indemnification, insurance, and bonding**
5 **requirements related to small wireless facility permits, subject to the requirements of this**
6 **section.**

7 **2. An authority may only require a wireless provider to indemnify and hold the**
8 **authority and its officers and employees harmless against any damage or personal injury**
9 **caused by the negligence of the wireless provider or its employees, agents, or contractors.**

10 **3. An authority may require a wireless provider to have in effect insurance**
11 **coverage consistent with subsection 2 of this section, or a demonstration of a comparable**
12 **self insurance program, so long as the authority imposes similar requirements on other**
13 **similarly situated utility right-of-way users, and such requirements are reasonable and**
14 **nondiscriminatory. An authority shall not require a self-insured wireless provider to**
15 **obtain insurance naming the authority or its officers and employees as additional insured.**
16 **An authority may require a wireless provider to furnish proof of insurance, if required,**
17 **prior to the effective date of any permit issued for a small wireless facility.**

18 **4. An authority may adopt bonding requirements for small wireless facilities if the**
19 **authority imposes similar requirements in connection with permits issued for other**
20 **similarly situated utility right-of-way users. The purpose of such bonds shall be to:**

21 **(1) Provide for the removal of abandoned or improperly maintained small wireless**
22 **facilities, including those that an authority determines need to be removed to protect public**
23 **health, safety, or welfare;**

24 **(2) Restore the right-of-way in connection with removals under section 67.5113;**

25 **(3) Recoup rates or fees that have not been paid by a wireless provider in over**
26 **twelve months, so long as the wireless provider has received reasonable notice from the**
27 **authority of any noncompliance listed above and been given an opportunity to cure;**

28 **(4) Bonding requirements shall not exceed one thousand five hundred dollars per**
29 **small wireless facility. For wireless providers with multiple small wireless facilities within**
30 **the jurisdiction of a single authority, the total bond amount across all facilities shall not**
31 **exceed seventy-five thousand dollars, which amount may be combined into one bond**
instrument.

32 **5. Applicants that have at least twenty-five million dollars in assets in the state and**
do not have a history of permitting noncompliance as defined by an authority within its

32 jurisdiction shall, under section 67.1830, be exempt from the insurance and bonding
33 requirements otherwise authorized by this section.

34 6. Any contractor, subcontractor, or wireless infrastructure provider shall be under
35 contract with a wireless services provider to perform work in the right-of-way related to
36 small wireless facilities or utility poles, and such entities shall be properly licensed under
37 the laws of the state and all applicable local ordinances, if required. Each contracted entity
38 shall have the same obligations with respect to his or her work as a wireless services
39 provider would have under sections 67.5110 to 67.5121 and other applicable laws if the
40 work were performed by a wireless services provider. The wireless services provider shall
41 be responsible for ensuring that the work of such contracted entities is performed
42 consistently with the wireless services provider's permits and applicable laws relating to
43 the deployment of small wireless facilities and utility poles, and responsible for promptly
44 correcting acts or omissions by such contracted entity.

45 7. The state highways and transportation commission may establish the same
46 indemnification, insurance, and bond requirements related to small wireless facility
47 permits as it imposes on other users of the state highways and transportation commission
48 right-of-way.

67.5122. Sections 67.5110 to 67.5122 shall expire on January 1, 2021, except that
2 for small wireless facilities already permitted or collocated on authority poles prior to such
3 date, the rate set forth in section 67.5116 for collocation of small wireless facilities on
4 authority poles shall remain effective for the duration of the permit authorizing the
5 collocation.

67.5125. By December 31, 2018, the department of revenue shall prepare and
2 deliver a report to the general assembly on the amount of revenue collected by local
3 governments for the previous three fiscal years from communications service providers,
4 as such term is defined in section 67.5111; a direct-to-home satellite service, as defined in
5 Public Law 104-104, Title VI, Section 602; and any video service provided through
6 electronic commerce, as defined in Public Law 105-277, Title XI, as amended, Section
7 1105(3), from video fees, linear foot fees, antenna fees, sales and use taxes, gross receipts
8 taxes, business license fees, business license taxes, or any other taxes or fees assessed to
9 such providers.

Section B. If any provision of section A of this act or the application thereof to anyone
2 or to any circumstance is held invalid, the remainder of those sections and the application of such
3 provisions to others or other circumstances shall not be affected thereby.

Section C. The enactment of sections 67.5110, 67.5111, 67.5112, 67.5113, 67.5114,
2 67.5115, 67.5116, 67.5117, 67.5118, 67.5119, 67.5120, 67.5121, and 67.5122 of this act shall
3 become effective January 1, 2019.

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