

Committee on Innovation, Industry, And Technology

CS/CS/CS/SB 1000 — Communications Services

by Appropriations Committee; Community Affairs Committee; Innovation, Industry, and Technology Committee; and Senator Hutson

The bill makes extensive changes to the statute governing the use of public rights-of-way by providers of communications services, including the Advanced Wireless Infrastructure Deployment Act relating to small and micro wireless facilities enacted two years ago. These changes include:

- Prohibiting a municipality or county from imposing permit fees for the use of public rights-of-way by communications services providers if it had not levied permit fees as of January 1, 2019, while allowing a municipality or county that was imposing permit fees as of that date to continue to do so or to elect to no longer impose permit fees;
- Creating a civil cause of action for any person aggrieved by a violation of the right-of-way statute;
- Prohibiting a local government from instituting, “either expressly or de facto, a moratorium or other mechanism that would prohibit or delay” permits for collocation of small wireless facilities or related poles;
- Deleting the authority for a local government to require performance bonds and security funds and allowing it to instead require a construction bond limited to no more than 18 months after the construction is completed;
- Requiring a local government to accept a letter of credit or similar instrument issued by any financial institution authorized to do business within the U.S.;
- Allowing a provider of communications services to add a local government to any existing bond, insurance policy, or other financial instrument, and requiring the local government to accept such coverage;
- Providing that a wireless provider shall comply with objective and reasonable requirements if the local government has required all public utility lines in the right-of-way to be placed underground, with certain exceptions;
- Prohibiting a local government from requiring a permit applicant to provide inventories, maps, or locations of communication facilities in the rights-of-way, unless it is necessary to avoid interference with existing facilities;
- Allowing a local government to require, annually, a notarized statement from a pass-through provider identifying information on the provider’s pass-through facilities; and
- Providing additional requirements pertaining to a local government’s permit registration and application process for communications services providers’ use of public rights-of-way.

If approved by the Governor, these provisions take effect July 1, 2019.

Vote: Senate 34-3; House 96-16