

1 STATE OF OKLAHOMA

2 2nd Session of the 55th Legislature (2016)

3 HOUSE BILL 2358

By: Watson

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5  
6 AS INTRODUCED

7 An Act relating to cities and towns; amending 11 O.S.  
8 2011, Sections 22-107.1 and 22-107.2, which relates  
9 to licenses or permits for the operation of cable  
10 television systems; changing scope of municipal  
11 authority from cable television services to video  
12 services; deleting certain authorization; making a  
13 certificate, license, permit or franchise a bargained  
14 contract; providing for a rental payment; limiting  
15 amount of rental payment; adding the term franchise;  
16 deleting authorization to assign or transfer a  
17 certificate, license or permit; allowing a  
18 municipality to grant overlapping certificates,  
19 licenses, permits or franchises; granting existing  
20 holders of a certificate, license, permit or  
21 franchise right to adopt certain terms; authorizing a  
22 municipality to adopt certain ordinances under  
23 certain power; expanding certain limitation;  
24 clarifying language; adding a definition; changing  
authorization to charge a late fee from cable  
television services to video services; and declaring  
an emergency.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 11 O.S. 2011, Section 22-107.1, is  
amended to read as follows:

1 Section 22-107.1 A. A municipality may by ordinance or  
2 otherwise ~~issue~~ grant a certificate, license ~~or~~, permit, or  
3 franchise for the operation of a ~~cable television~~ video services  
4 system. ~~A municipality may establish such certificate, license or~~  
5 ~~permit requirements as it deems appropriate in the exercise of its~~  
6 ~~police power.~~ Any certificate, license, permit or franchise granted  
7 pursuant to this section shall constitute a bargained contract  
8 between the municipality and the video services provider and shall  
9 provide for a consideration payment to the municipality as rental  
10 for the privileges granted to the provider to use the public ways  
11 and grounds within the municipality in furtherance of its video  
12 services business. The rental payment shall be set at the amount  
13 bargained between the municipality and the video services provider  
14 but shall not exceed five percent (5%) of the annual gross revenues  
15 derived by the video services provider from the provision of video  
16 services within the municipality. Any certificate, license ~~or~~,  
17 permit or franchise issued by the governing body shall be  
18 nonexclusive and shall not exceed a period of twenty-five (25) years  
19 and may be revocable by the governing body if said body determines  
20 that the holder of the certificate, license ~~or~~, permit or franchise  
21 has willfully failed or neglected to perform duties pursuant to the  
22 terms of the grant of the certificate, license ~~or~~, permit or  
23 franchise. ~~A certificate, license or permit may be assigned or~~  
24 ~~transferred subject to approval of the governing body of the~~

1 ~~municipality.~~ Nothing herein shall limit the authority of a  
2 municipality to comply with state or federal law.

3 B. ~~No~~ In the event a municipality shall grant any grants an  
4 overlapping certificate, license, permit or franchise for cable  
5 television service video services within its jurisdiction on terms  
6 or conditions more favorable or less burdensome than those in any  
7 existing certificate, license, permit or franchise within ~~such~~ the  
8 municipality the holder of the existing certificate, license, permit  
9 or franchise shall be entitled, upon written notice to the  
10 municipality, to adopt the terms in the overlapping certificate,  
11 license, permit or franchise that are more favorable or less  
12 burdensome than those in the existing certificate, license, permit  
13 or franchise and the adopted terms shall become enforceable by the  
14 municipality.

15 C. In addition to any other authority granted to municipalities  
16 by this section or other applicable law, a municipality may also  
17 adopt an ordinance regulating a video services system pursuant to  
18 its police power. No municipal provisions regulating a ~~cable~~  
19 ~~television~~ video services system may be adopted which are  
20 inconsistent with either state or federal law ~~relating to cable~~  
21 ~~television operations~~ or with the terms and conditions of the  
22 certificate, license, permit or franchise bargained by the  
23 municipality and the video services provider.  
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1 D. In awarding or renewing a ~~cable television~~ certificate,  
2 license, permit or franchise for video services, a municipality may  
3 require adequate assurance that the ~~cable operator~~ video services  
4 system provider will provide adequate public, educational, and  
5 governmental access channel capacity, facilities or financial  
6 support. A ~~cable operator~~ video services system provider may, at  
7 its sole option, provide a "family friendly" tier of video services  
8 in lieu of channel capacity, facilities, or financial support for  
9 public access as a condition of any certificate, license, permit or  
10 franchise for video services or renewal thereof. Nothing herein  
11 shall affect any channel capacity, facilities, or financial support  
12 for educational or governmental access contained in any certificate,  
13 license, permit or franchise for video services or renewal thereof.

14 E. A "family friendly" tier of services is a group of channels,  
15 offered to customers pursuant to Federal Communications Commission  
16 (FCC) regulations, that primarily contains programming with a  
17 television viewing rating of TV-Y, TV-Y7 or TV-G.

18 F. "Video services" means video programming, including cable  
19 services, provided through wireline facilities located at least in  
20 part in the public rights-of-way without regard to the delivery  
21 technology, including Internet protocol technology. "Video  
22 services" shall not include video programming provided by a  
23 commercial mobile service provider as defined in 47 U.S.C., Section  
24 332(d) or provided solely as part of and via a service that enables

1 users to access content, information, electronic mail, messaging and  
2 other services offered over the public Internet.

3 SECTION 2. AMENDATORY 11 O.S. 2011, Section 22-107.2, is  
4 amended to read as follows:

5 Section 22-107.2 A. Unless otherwise specifically prohibited  
6 by law, a seller of ~~cable television service~~ video services may  
7 assess a late fee on delinquent accounts having an unpaid balance of  
8 Twelve Dollars (\$12.00) or more.

9 B. The seller of ~~cable television service~~ video services shall  
10 conspicuously disclose, in the contract for service and on each  
11 statement or invoice, the terms on which a late fee may be assessed  
12 by the seller including the amount of the fee.

13 C. No late fee shall be assessed which exceeds Six Dollars  
14 (\$6.00) or five percent (5%) of the unpaid amount, whichever is  
15 greater.

16 D. Prior to collecting a late fee, the seller shall give notice  
17 to the customer by first class mail to the customer's last known  
18 billing address as shown on the records of the seller of the amount  
19 of the delinquency at least ten (10) days prior to the date the fee  
20 will be imposed. The notice shall conspicuously state the place and  
21 address for making payment, the date on which the late fee will be  
22 imposed, and the amount of the late fee.

23 SECTION 3. It being immediately necessary for the preservation  
24 of the public peace, health and safety, an emergency is hereby

1 declared to exist, by reason whereof this act shall take effect and  
2 be in full force from and after its passage and approval.

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