

COMMITTEE AMENDMENT

HOUSE OF REPRESENTATIVES

State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB2358 _____
Of the printed Bill
Page _____ Section _____ Lines _____
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by
inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Amendment submitted by: Weldon Watson

Adopted: _____

Reading Clerk

STATE OF OKLAHOMA

2nd Session of the 55th Legislature (2016)

PROPOSED COMMITTEE
SUBSTITUTE
FOR
HOUSE BILL NO. 2358

By: Watson

PROPOSED COMMITTEE SUBSTITUTE

An Act relating to cities and towns; amending 11 O.S. 2011, Sections 22-107.1 and 22-107.2, which relate to licenses or permits for the operation of cable television systems; changing scope of municipal authority from cable television services to video services; deleting certain authorization; making a certificate, license, permit or franchise a bargained contract; providing for a rental payment; limiting amount of rental payment; adding the term franchise; deleting authorization to assign or transfer a certificate, license or permit; allowing a municipality to grant overlapping certificates, licenses, permits or franchises; granting existing holders of a certificate, license, permit or franchise right to adopt certain terms; authorizing a municipality to adopt certain ordinances under certain power; expanding certain limitation; 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:

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

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

1 terms of the grant of the certificate, license ~~or~~, permit or
2 franchise. ~~A certificate, license or permit may be assigned or~~
3 ~~transferred subject to approval of the governing body of the~~
4 ~~municipality~~. Nothing herein shall limit the authority of a
5 municipality to comply with state or federal law.

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

18 C. In addition to any other authority granted to municipalities
19 by this section or other applicable law, a municipality may also
20 adopt an ordinance regulating a video services system pursuant to
21 its police power. No municipal provisions regulating a ~~cable~~
22 ~~television~~ video services system may be adopted which are
23 inconsistent with either state or federal law ~~relating to cable~~
24 ~~television operations~~ or with the terms and conditions of the

1 certificate, license, permit or franchise bargained by the
2 municipality and the video services provider.

3 D. In awarding or renewing a ~~cable television~~ certificate,
4 license, permit or franchise for video services, a municipality may
5 require adequate assurance that the ~~cable operator~~ video services
6 system provider will provide adequate public, educational, and
7 governmental access channel capacity, facilities or financial
8 support. A ~~cable operator~~ video services system provider may, at
9 its sole option, provide a "family friendly" tier of video services
10 in lieu of channel capacity, facilities, or financial support for
11 public access as a condition of any certificate, license, permit or
12 franchise for video services or renewal thereof. Nothing herein
13 shall affect any channel capacity, facilities, or financial support
14 for educational or governmental access contained in any certificate,
15 license, permit or franchise for video services or renewal thereof.

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

20 F. "Video services" means video programming, including cable
21 services, provided through wireline facilities located at least in
22 part in the public rights-of-way without regard to the delivery
23 technology, including Internet protocol technology. "Video
24 services" shall not include video programming provided by a

1 commercial mobile service provider as defined in 47 U.S.C., Section
2 332(d) or provided solely as part of and via a service that enables
3 users to access content, information, electronic mail, messaging and
4 other services offered over the public Internet.

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

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

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

15 C. No late fee shall be assessed which exceeds Six Dollars
16 (\$6.00) or five percent (5%) of the unpaid amount, whichever is
17 greater.

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

SECTION 3. It being immediately necessary for the preservation
of the public peace, health and safety, an emergency is hereby
declared to exist, by reason whereof this act shall take effect and
be in full force from and after its passage and approval.

55-2-9079 KB 02/15/16