

1 ENGROSSED HOUSE
2 BILL NO. 2358

By: Watson of the House

3 and

4 Holt of the Senate

5
6 An Act relating to cities and towns; amending 11 O.S.
7 2011, Sections 22-107.1 and 22-107.2, which relate to
8 licenses or permits for the operation of cable
9 television systems; changing scope of municipal
10 authority from cable television services to video
11 services; deleting certain authorization; making a
12 certificate, license, permit or franchise a bargained
13 contract; providing for a rental payment; limiting
14 amount of rental payment; adding the term franchise;
15 deleting authorization to assign or transfer a
16 certificate, license or permit; allowing a
17 municipality to grant overlapping certificates,
18 licenses, permits or franchises; granting existing
19 holders of a certificate, license, permit or
20 franchise right to adopt certain terms; authorizing a
21 municipality to adopt certain ordinances under
22 certain power; expanding certain limitation;
23 clarifying language; adding a definition; changing
24 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:

Section 22-107.1 A. A municipality may by ordinance or
otherwise ~~issue~~ grant a certificate, license ~~or~~, permit, or
franchise for the operation of a ~~cable television~~ video services

1 system, unless such authority is already provided for by law. A
2 ~~municipality may establish such certificate, license or permit~~
3 ~~requirements as it deems appropriate in the exercise of its police~~
4 ~~power.~~ Any certificate, license, permit or franchise granted
5 pursuant to this section shall constitute a bargained contract
6 between the municipality and the video services provider and shall
7 provide for a consideration payment to the municipality as rental
8 for the privileges granted to the provider to use the public ways
9 and grounds within the municipality in furtherance of its video
10 services business. The rental payment shall be set at the amount
11 bargained between the municipality and the video services provider
12 but shall not exceed five percent (5%) of the annual gross revenues
13 derived by the video services provider from the provision of video
14 services within the municipality. Any certificate, license ~~or,~~
15 permit or franchise issued by the governing body shall be
16 nonexclusive and shall not exceed a period of twenty-five (25) years
17 and may be revocable by the governing body if said body determines
18 that the holder of the certificate, license ~~or,~~ permit or franchise
19 has willfully failed or neglected to perform duties pursuant to the
20 terms of the grant of the certificate, license ~~or,~~ permit or
21 franchise. ~~A certificate, license or permit may be assigned or~~
22 ~~transferred subject to approval of the governing body of the~~
23 ~~municipality.~~ Nothing herein shall limit the authority of a
24 municipality to comply with state or federal law.

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

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

22 D. In awarding or renewing a ~~cable television~~ certificate,
23 license, permit or franchise for video services, a municipality may
24 require adequate assurance that the ~~cable operator~~ video services

1 system provider will provide adequate public, educational, and
2 governmental access channel capacity, facilities or financial
3 support. A ~~cable operator~~ video services system provider may, at
4 its sole option, provide a "family friendly" tier of video services
5 in lieu of channel capacity, facilities, or financial support for
6 public access as a condition of any certificate, license, permit or
7 franchise for video services or renewal thereof. Nothing herein
8 shall affect any channel capacity, facilities, or financial support
9 for educational or governmental access contained in any certificate,
10 license, permit or franchise for video services or renewal thereof.

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

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

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

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

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

11 C. No late fee shall be assessed which exceeds Six Dollars
12 (\$6.00) or five percent (5%) of the unpaid amount, whichever is
13 greater.

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

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

1 Passed the House of Representatives the 1st day of March, 2016.

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4 Presiding Officer of the House
of Representatives

5 Passed the Senate the ____ day of _____, 2016.

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8 Presiding Officer of the Senate