

FLOOR AMENDMENT

HOUSE OF REPRESENTATIVES

State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB2957

			Of the printed Bill
Page	Section	Lines	

Of the Engrossed Bill

On page 17, line 1 by inserting after the lower case letter "f." the following language:

"with respect to ground-mounted equipment, fails to comply with reasonable and nondiscriminatory requirements of general application adopted by ordinance that concern spacing of the ground-mounted equipment; interference with sight lines, clear zones or pedestrian access or movement; unhindered use of the ROW by other ROW occupants, including the authority; or objective concealment measures in a historic district," ; and by relettering subsequent subparagraphs;

On page 19, line 17 by inserting after the word "shall" and before the word "be" the word "not";

On page 21, line 14 ½ by adding a new subsection "E." to read as follows:

"E. A wireless provider shall comply with the following requirements and specifications when collocating on an authority electric distribution pole:

(i) requirements and specifications of the National Electrical Safety Code, the National Electrical Code and the Occupational Safety and Health Act, including amendments or revisions to such requirements or specifications, and in the event of conflict, the most stringent of such requirements and specifications;

(ii) requirements and specifications of general application adopted by the authority that do not conflict with this act, including requirements and specifications that concern how equipment shall be attached to electric distribution poles so they may be climbed safely."

On page 27, line 17 by deleting Section 12 and by inserting the following language: (INSERT ATTACHED)

AMEND TITLE TO CONFORM TO AMENDMENTS

Amendment submitted by: Todd Thomsen

Adopted: _____

Reading Clerk

1 "SECTION 12. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 36-512 of Title 11, unless there
3 is created a duplication in numbering, reads as follows:

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

7 B. An authority may require a wireless provider to defend,
8 indemnify and hold harmless the authority and its officers, agents
9 and employees against any claims, demands, damages, lawsuits,
10 judgments, costs, liens, losses, expenses and attorney's fees
11 resulting from the installation, construction, repair, replacement,
12 operation or maintenance of wireless facilities, wireless support
13 structures, or utility poles to the extent caused by the wireless
14 provider, its contractors, subcontractors and their officers,
15 employees or agents. A wireless provider has no obligation to
16 defend, indemnify or hold harmless an authority, its officers,
17 agents or employees against any liabilities or losses due to or
18 caused by the sole negligence of the authority or its employees or
19 agents.

20 C. An authority may require a wireless provider to have in
21 effect insurance coverage naming the authority and its officers,
22 agents, and employees as additional insureds against the claims,
23 demands, damages, lawsuits, judgments, costs, liens, losses,
24 expenses and attorney's fees described in subsection A of this

1 section, so long as the authority imposes similar requirements on
2 other rights-of-way users and such requirements are reasonable and
3 nondiscriminatory.

4 D. An authority may require a wireless provider to furnish
5 proof of insurance, if required, prior to the effective date of any
6 permit issued for a small wireless facility.

7 E. An authority may adopt bonding requirements for small
8 wireless facilities if the authority imposes similar requirements in
9 connection with permits issued for other rights-of-way users.

10 1. The purpose of such bonds shall be to:

- 11 a. provide for the removal of abandoned or improperly
12 maintained small wireless facilities, including those
13 that an authority determines need to be removed to
14 protect public health, safety, or welfare,
- 15 b. restoration of the right-of-way in connection with
16 removals under this paragraph, or
- 17 c. recoup rates or fees that have not been paid by a
18 wireless provider in over twelve (12) months, so long
19 as the wireless provider has received reasonable
20 notice from the authority of any of the non-compliance
21 listed above and an opportunity to cure.

22 2. An authority shall not require either of the following under
23 paragraph 1 of this subsection:

- 24 a. a cash bond, unless any of the following apply:

1 (1) the wireless provider has failed to obtain or maintain
2 a bond required under this section, or

3 (2) the surety has defaulted or failed to perform on a
4 bond given to the authority on behalf of the wireless
5 provider,

6 b. a bond in an amount exceeding One Thousand Dollars
7 (\$1,000.00) per small wireless facility."

8 56-2-10164 MAH 03/12/18
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24