

FIRST REGULAR SESSION

# HOUSE BILL NO. 662

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE ROSS.

1486H.011

D. ADAM CRUMBLISS, Chief Clerk

## AN ACT

To amend chapter 67, RSMo, by adding thereto one new section relating to infrastructure owned by a communication service provider.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Chapter 67, RSMo, is amended by adding thereto one new section, to be known as section 67.5130, to read as follows:

**67.5130. 1. Notwithstanding any other provision of law to the contrary, unless otherwise agreed to by the political subdivision and the communication service provider, no political subdivision shall have the authority to require or necessitate the removal or relocation of infrastructure owned by a communication service provider which is lawfully located on private property, in the public right-of-way, or attached to a utility pole, unless such political subdivision agrees to pay the owner of the infrastructure reasonable costs incurred in order to comply with the political subdivision's request or retains a contractor to perform such work which has been used by the infrastructure owner within the past two years for such purpose and who is in good standing with the infrastructure owner. Within ten days of a written request by a political subdivision, the infrastructure owner shall provide a listing of all contractors in good standing used within the past two years for such purposes. The political subdivision shall not be required to put out to bid the selection of such contractor. Prior to a political subdivision retaining a contractor for such removal or relocation, such contractor shall coordinate with the infrastructure owner in regard to date, time, and manner in which the removal or relocation will occur. For the purposes of this section, the designation of private property shall not change after the infrastructure is installed, should a political subdivision acquire an interest in, or otherwise obtain, such**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 property. For the purposes of this section, if any political subdivision requests removal or  
19 relocation of infrastructure owned by a communication service provider that has been put  
20 into service, and the result of the request is that infrastructure being abandoned rather  
21 than relocated, such removal or relocation shall not be compensated. However, any  
22 necessary investment in infrastructure to replace such abandoned infrastructure shall be  
23 considered a relocation under this section.

24 **2. This section shall not apply:**

25 **(1) To the costs incurred to remove or relocate infrastructure owned by a**  
26 **communication service provider which has been reasonably determined by the political**  
27 **subdivision to pose a clear and present danger to public health or safety due to the**  
28 **infrastructure being in a state of disrepair; or**

29 **(2) If the requesting political subdivision and the infrastructure owner have entered**  
30 **into a franchise agreement or a pole attachment agreement governing the relocation of**  
31 **such infrastructure.**

32 **3. No political subdivision may raise the fee authorized by section 67.1832 to collect**  
33 **revenue for the purpose of paying or recovering relocation expenses paid to any**  
34 **communication service provider under this section.**

35 **4. For the purposes of this section, the following terms shall mean:**

36 **(1) "Communication service provider", a wireless service provider, broadband or**  
37 **other internet protocol enabled service provider, video service provider,**  
38 **telecommunications company or other communications-related service provider;**

39 **(2) "Reasonable costs", in regard to removal or relocation of infrastructure**  
40 **located:**

41 **(a) On private property, or attached to a utility pole, means all actual costs**  
42 **prudently incurred to comply with the political subdivisions request; or**

43 **(b) In the public right-of-way, means:**

44 **a. All actual costs prudently incurred to comply with the political subdivision's**  
45 **request for the first three years after the permit was issued or authorization obtained**  
46 **allowing the placement of such infrastructure in its current location; or**

47 **b. Fifty percent of all actual costs prudently incurred to comply with the political**  
48 **subdivision's request between the fourth and seventh year following the issuance of the**  
49 **permit or authorization allowing the placement of such infrastructure in its current**  
50 **location; or**

51 **c. No recovery is allowed for costs prudently incurred to comply with the political**  
52 **subdivision's request after the seventh year following the issuance of the permit or**  
53 **authorization allowing the placement of such infrastructure in its current location, unless**

54 the political subdivision's request is due to a development or redevelopment of an area for  
55 economic development reasons or the reason for the political subdivision's request is not  
56 completed with twenty-four months of the request. If the political subdivision's request  
57 is due to a development or redevelopment of an area for economic development reasons,  
58 the communication service provider shall be entitled to fifty percent of all actual costs  
59 prudently incurred to comply with the political subdivision's request. If in response to a  
60 political subdivision's request, the communication service provider relocates its  
61 infrastructure and the relocation is not completed with twenty-four months of the request,  
62 the communication service provider shall be entitled to fifty percent of all actual costs  
63 prudently incurred to comply with the political subdivision's request;

64 (3) "Wireless service provider", a provider of commercial mobile service under  
65 Section 332(d) of the Federal Telecommunications Act of 1996 (47 U.S.C. Section 151 et  
66 seq.).

67 5. The provisions of this section shall only apply to infrastructure installed on or  
68 after August 28, 2015.

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