

## Session 116 - (2005-2006)

### H\*3840 (Rat #0192, Act #0134 of 2005) General Bill, By Sandifer and Cato

#### Summary: Communications Service Provider

AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 58-9-200 SO AS TO DEFINE THE TERMS "COMMUNICATIONS SERVICE PROVIDER" AND "COMMUNICATIONS SERVICE" FOR PURPOSES OF SECTIONS 58-9-295 AND 58-9-297, ADDED BELOW; BY ADDING SECTION 58-9-295 SO AS TO PROVIDE THAT NO COMMUNICATIONS SERVICE PROVIDER OR A PARENT COMPANY, SUBSIDIARY, OR AFFILIATE OF A COMMUNICATIONS SERVICE PROVIDER SHALL ENTER INTO ANY CONTRACT OR AGREEMENT THAT REQUIRES A PERSON OR ENTITY TO RESTRICT OR LIMIT THE ABILITY OF ANY OTHER COMMUNICATIONS SERVICE PROVIDER FROM OBTAINING EASEMENTS OR RIGHTS-OF-WAY FOR THE INSTALLATION OF FACILITIES OR EQUIPMENT TO PROVIDE COMMUNICATIONS SERVICES IN THIS STATE, OR THAT OFFERS OR GRANTS INCENTIVES OR REWARDS TO AN OWNER OF REAL PROPERTY THAT ARE CONTINGENT UPON RESTRICTING OR LIMITING THE ABILITY OF ANY OTHER COMMUNICATIONS SERVICE PROVIDER FROM OBTAINING EASEMENTS OR RIGHTS-OF-WAY FOR THE INSTALLATION OF FACILITIES OR EQUIPMENT TO PROVIDE COMMUNICATIONS SERVICES IN THIS STATE, TO PROVIDE EXCEPTIONS, TO PROVIDE CIVIL PENALTIES FOR VIOLATION, AND TO PROVIDE THAT ALL CONTRACTS MADE ON OR AFTER THE EFFECTIVE DATE OF THIS SECTION ARE VOID AND UNENFORCEABLE; BY ADDING SECTION 58-9-297 SO AS TO PROVIDE THAT NO OTHER COMMUNICATIONS SERVICE PROVIDER, INCLUDING A CARRIER OF LAST RESORT, SHALL BE OBLIGATED TO PROVIDE ANY COMMUNICATIONS SERVICE TO THE OCCUPANTS OF A MULTI-TENANT BUSINESS OR RESIDENTIAL PROPERTY IF THE OWNER OR DEVELOPER PERMITS ONLY ONE COMMUNICATIONS SERVICE PROVIDER TO INSTALL ITS FACILITIES OR EQUIPMENT DURING THE CONSTRUCTION PHASE OF THE PROPERTY, ACCEPTS OR AGREES TO ACCEPT INCENTIVES OR REWARDS FROM A COMMUNICATIONS SERVICE PROVIDER, COLLECTS FROM THE OCCUPANTS OF THE PROPERTY CHARGES FOR THE PROVISION OF COMMUNICATIONS SERVICE TO THE OCCUPANTS, OR ENTERS INTO AN AGREEMENT WITH A COMMUNICATIONS SERVICE PROVIDER THAT IS IN VIOLATION OF SECTION 58-9-295; AND TO PROVIDE THAT THE ABOVE PROVISIONS OF THIS ACT SHALL BECOME VOID AND UNENFORCEABLE UNDER CERTAIN CONDITIONS. - ratified title

04/05/05	House	Introduced and read first time HJ-6
04/05/05	House	Referred to Committee on Labor, Commerce and Industry HJ-7
04/20/05	House	Committee report: Favorable with amendment Labor, Commerce and Industry HJ-1
04/27/05	House	Amended HJ-29
04/27/05	House	Read second time HJ-32
04/28/05	House	Read third time and sent to Senate HJ-10
04/28/05		Scrivener's error corrected
05/03/05	Senate	Introduced and read first time SJ-25
05/03/05	Senate	Referred to Committee on Judiciary SJ-25
05/25/05	Senate	Recalled from Committee on Judiciary SJ-13
05/25/05	Senate	Amended SJ-13
05/25/05	Senate	Read second time SJ-13
05/26/05	Senate	Read third time and returned to House with amendments SJ-307
05/27/05		Scrivener's error corrected
06/01/05	House	Concurred in Senate amendment and enrolled HJ-46
06/02/05		Ratified R 192
06/07/05		Signed By Governor
06/13/05		Copies available
06/13/05		Effective date See Act for Effective Date
06/16/05		Act No. 134