

SENATE SUBSTITUTE

FOR

SENATE COMMITTEE SUBSTITUTE

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HOUSE COMMITTEE SUBSTITUTE

FOR

HOUSE BILL NO. 1991

AN ACT

To repeal sections 67.1830 and 67.1846, RSMo, and to enact in lieu thereof sixteen new sections relating to the deployment of wireless facilities infrastructure, with a delayed effective date for certain sections.

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BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI, AS FOLLOWS:

1           Section A. Sections 67.1830 and 67.1846, RSMo, are repealed  
2 and sixteen new sections enacted in lieu thereof, to be known as  
3 sections 67.1830, 67.1846, 67.5110, 67.5111, 67.5112, 67.5113,  
4 67.5114, 67.5115, 67.5116, 67.5117, 67.5118, 67.5119, 67.5120,  
5 67.5121, 67.5122, and 67.5125, to read as follows:

6           67.1830. As used in sections 67.1830 to 67.1846, the  
7 following terms shall mean:

8           (1) "Abandoned equipment or facilities", any equipment  
9 materials, apparatuses, devices or facilities that are:

10           (a) Declared abandoned by the owner of such equipment or  
11 facilities;

12           (b) No longer in active use, physically disconnected from a  
13 portion of the operating facility or any other facility that is  
14 in use or in service, and no longer capable of being used for the

1 same or similar purpose for which the equipment, apparatuses or  
2 facilities were installed; or

3 (c) No longer in active use and the owner of such equipment  
4 or facilities fails to respond within thirty days to a written  
5 notice sent by a political subdivision;

6 (2) "Degradation", the actual or deemed reduction in the  
7 useful life of the public right-of-way resulting from the  
8 cutting, excavation or restoration of the public right-of-way;

9 (3) "Emergency", includes but is not limited to the  
10 following:

11 (a) An unexpected or unplanned outage, cut, rupture, leak  
12 or any other failure of a public utility facility that prevents  
13 or significantly jeopardizes the ability of a public utility to  
14 provide service to customers;

15 (b) An unexpected or unplanned outage, cut, rupture, leak  
16 or any other failure of a public utility facility that results or  
17 could result in danger to the public or a material delay or  
18 hindrance to the provision of service to the public if the  
19 outage, cut, rupture, leak or any other such failure of public  
20 utility facilities is not immediately repaired, controlled,  
21 stabilized or rectified; or

22 (c) Any occurrence involving a public utility facility that  
23 a reasonable person could conclude under the circumstances that  
24 immediate and undelayed action by the public utility is necessary  
25 and warranted;

26 (4) "Excavation", any act by which earth, asphalt,  
27 concrete, sand, gravel, rock or any other material in or on the  
28 ground is cut into, dug, uncovered, removed, or otherwise

1 displaced, by means of any tools, equipment or explosives, except  
2 that the following shall not be deemed excavation:

3 (a) Any de minimis displacement or movement of ground  
4 caused by pedestrian or vehicular traffic;

5 (b) The replacement of utility poles and related equipment  
6 at the existing general location that does not involve either a  
7 street or sidewalk cut; or

8 (c) Any other activity which does not disturb or displace  
9 surface conditions of the earth, asphalt, concrete, sand, gravel,  
10 rock or any other material in or on the ground;

11 (5) "Management costs" or "rights-of-way management costs",  
12 the actual costs a political subdivision reasonably incurs in  
13 managing its public rights-of-way, including such costs, if  
14 incurred, as those associated with the following:

15 (a) Issuing, processing and verifying right-of-way permit  
16 applications;

17 (b) Inspecting job sites and restoration projects;

18 (c) Protecting or moving public utility right-of-way user  
19 construction equipment after reasonable notification to the  
20 public utility right-of-way user during public right-of-way work;

21 (d) Determining the adequacy of public right-of-way  
22 restoration;

23 (e) Restoring work inadequately performed after providing  
24 notice and the opportunity to correct the work; and

25 (f) Revoking right-of-way permits.

26  
27 Right-of-way management costs shall be the same for all entities  
28 doing similar work. Management costs or rights-of-way management

1 costs shall not include payment by a public utility right-of-way  
2 user for the use or rent of the public right-of-way, degradation  
3 of the public right-of-way or any costs as outlined in paragraphs  
4 (a) to (f) of this subdivision which are incurred by the  
5 political subdivision as a result of use by users other than  
6 public utilities, the attorneys' fees and cost of litigation  
7 relating to the interpretation of this section or section  
8 67.1832, or litigation, interpretation or development of any  
9 ordinance enacted pursuant to this section or section 67.1832, or  
10 attorneys' fees and costs in connection with issuing, processing,  
11 or verifying right-of-way permits or other applications or  
12 agreements, or the political subdivision's fees and costs related  
13 to appeals taken pursuant to section 67.1838. In granting or  
14 renewing a franchise for a cable television system, a political  
15 subdivision may impose a franchise fee and other terms and  
16 conditions permitted by federal law;

17 (6) "Managing the public right-of-way", the actions a  
18 political subdivision takes, through reasonable exercise of its  
19 police powers, to impose rights, duties and obligations on all  
20 users of the right-of-way, including the political subdivision,  
21 in a reasonable, competitively neutral and nondiscriminatory and  
22 uniform manner, reflecting the distinct engineering,  
23 construction, operation, maintenance and public work and safety  
24 requirements applicable to the various users of the public  
25 right-of-way, provided that such rights, duties and obligations  
26 shall not conflict with any federal law or regulation. In  
27 managing the public right-of-way, a political subdivision may:

28 (a) Require construction performance bonds or insurance

1 coverage or demonstration of self-insurance at the option of the  
2 political subdivision or if the public utility right-of-way user  
3 has twenty-five million dollars in net assets and does not have a  
4 history of permitting noncompliance [within] in the political  
5 subdivision as defined by the political subdivision, then the  
6 public utility right-of-way user shall not be required to provide  
7 such bonds or insurance;

8 (b) Establish coordination and timing requirements that do  
9 not impose a barrier to entry;

10 (c) Require public utility right-of-way users to submit,  
11 for right-of-way projects commenced after August 28, 2001,  
12 requiring excavation within the public right-of-way, whether  
13 initiated by a political subdivision or any public utility  
14 right-of-way user, project data in the form maintained by the  
15 user and in a reasonable time after receipt of the request based  
16 on the amount of data requested;

17 (d) Establish right-of-way permitting requirements for  
18 street excavation;

19 (e) Establish removal requirements for abandoned equipment  
20 or facilities, if the existence of such facilities prevents or  
21 significantly impairs right-of-way use, repair, excavation or  
22 construction;

23 (f) Establish permitting requirements for towers and other  
24 structures or equipment for wireless communications facilities in  
25 the public right-of-way[, notwithstanding] under the provisions  
26 of section 67.1832, provided that such permitting requirements  
27 shall also be consistent with sections 67.5090 to 67.5103 and  
28 sections 67.5110 to 67.5121;

1 (g) Establish standards for street restoration in order to  
2 lessen the impact of degradation to the public right-of-way; and

3 (h) Impose permit conditions to protect public safety;

4 (7) "Political subdivision", a city, town, village, county  
5 of the first classification or county of the second  
6 classification;

7 (8) "Public right-of-way", the area on, below or above a  
8 public roadway, highway, street or alleyway in which the  
9 political subdivision has an ownership interest, but not  
10 including:

11 (a) The airwaves above a public right-of-way with regard to  
12 cellular or other nonwire telecommunications or broadcast  
13 service;

14 (b) Easements obtained by utilities or private easements in  
15 platted subdivisions or tracts;

16 (c) Railroad rights-of-way and ground utilized or acquired  
17 for railroad facilities; or

18 (d) Poles, pipes, cables, conduits, wires, optical cables,  
19 or other means of transmission, collection or exchange of  
20 communications, information, substances, data, or electronic or  
21 electrical current or impulses utilized by a municipally owned or  
22 operated utility pursuant to chapter 91 or pursuant to a charter  
23 form of government;

24 (9) "Public utility", every cable television service  
25 provider, every pipeline corporation, gas corporation, electrical  
26 corporation, rural electric cooperative, telecommunications  
27 company, water corporation, heating or refrigerating corporation  
28 or sewer corporation under the jurisdiction of the public service

1 commission; every municipally owned or operated utility pursuant  
2 to chapter 91 or pursuant to a charter form of government or  
3 cooperatively owned or operated utility pursuant to chapter 394;  
4 every street light maintenance district; every privately owned  
5 utility; and every other entity, regardless of its form of  
6 organization or governance, whether for profit or not, which in  
7 providing a public utility type of service for members of the  
8 general public, utilizes pipes, cables, conduits, wires, optical  
9 cables, or other means of transmission, collection or exchange of  
10 communications, information, substances, data, or electronic or  
11 electrical current or impulses, in the collection, exchange or  
12 dissemination of its product or services through the public  
13 rights-of-way;

14 (10) "Public utility right-of-way user", a public utility  
15 owning or controlling a facility in the public right-of-way; and

16 (11) "Right-of-way permit", a permit issued by a political  
17 subdivision authorizing the performance of excavation work in a  
18 public right-of-way.

19 67.1846. 1. Nothing in sections 67.1830 to 67.1846  
20 relieves the political subdivision of any obligations under an  
21 existing franchise agreement in effect on May 1, 2001. Nothing  
22 in sections 67.1830 to 67.1846 will apply to that portion of any  
23 ordinance passed prior to May 1, 2001, which establishes a street  
24 degradation fee. Nothing in sections 67.1830 to 67.1846 shall be  
25 construed as limiting the authority of county highway engineers  
26 or relieving public utility right-of-way users from any  
27 obligations set forth in chapters 229 to 231. Nothing in  
28 sections 67.1830 to 67.1846 shall be deemed to relieve a public

1 utility right-of-way user of the provisions of an existing  
2 franchise, franchise fees, license or other agreement or permit  
3 in effect on May 1, 2001. Nothing in sections 67.1830 to 67.1846  
4 shall prohibit a political subdivision or public utility  
5 right-of-way user from renewing or entering into a new or  
6 existing franchise, as long as all other public utility  
7 right-of-way users have use of the public right-of-way on a  
8 nondiscriminatory basis. Nothing in sections 67.1830 to 67.1846  
9 shall prevent a grandfathered political subdivision from enacting  
10 new ordinances, including amendments of existing ordinances,  
11 charging a public utility right-of-way user a fair and reasonable  
12 linear foot fee or antenna fee or from enforcing or renewing  
13 existing linear foot ordinances for use of the right-of-way,  
14 provided that the public utility right-of-way user either:

15 (1) Is entitled under the ordinance to a credit for any  
16 amounts paid as business license taxes or gross receipts taxes;  
17 or

18 (2) Is not required by the political subdivision to pay the  
19 linear foot fee or antenna fee if the public utility right-of-way  
20 user is paying gross receipts taxes, business license fees, or  
21 business license taxes that are not nominal and that are imposed  
22 specifically on communications-related revenue, services, or  
23 equipment.

24  
25 For purposes of this section, a "grandfathered political  
26 subdivision" is any political subdivision which has, prior to May  
27 1, 2001, enacted one or more ordinances reflecting a policy of  
28 imposing any linear foot fees on any public utility right-of-way

1 user, including ordinances which were specific to particular  
2 public right-of-way users. Any existing ordinance or new  
3 ordinance passed by a grandfathered political subdivision  
4 providing for payment of the greater of a linear foot fee or a  
5 gross receipts [fee] tax shall be enforceable only with respect  
6 to the linear foot fee.

7 2. Nothing in sections 67.1830 to 67.1846 shall prohibit a  
8 political subdivision from enacting, renewing or enforcing  
9 provisions of an ordinance to require a business license tax,  
10 sales tax, occupation tax, franchise tax or franchise fee,  
11 property tax or other similar tax, to the extent consistent with  
12 federal law. Nothing in sections 67.1830 to 67.1846 shall  
13 prohibit a political subdivision from enacting, enforcing or  
14 renewing provisions of an ordinance to require a gross receipts  
15 tax pursuant to chapter 66, chapter 92, or chapter 94. For  
16 purposes of this subsection, the term "franchise fee" shall mean  
17 "franchise tax".

18 67.5110. Sections 67.5110 to 67.5121 shall be known and may  
19 be cited as the "Uniform Small Wireless Facility Deployment Act",  
20 which is intended to encourage and streamline the deployment of  
21 small wireless facilities and to help ensure that robust and  
22 dependable wireless radio-based communication services and  
23 networks are available throughout Missouri, which is a matter of  
24 legitimate statewide concern, by adopting a uniform statewide  
25 framework for the deployment of small wireless facilities and the  
26 utility poles to which they are attached consistent with sections  
27 67.5110 to 67.5121 and sections 67.1830 to 67.1846.

28 67.5111. As used in sections 67.5110 to 67.5121, the

1 following terms shall mean:

2 (1) "Antenna", communications equipment that transmits or  
3 receives electromagnetic radio frequency signals used in the  
4 provision of wireless services;

5 (2) "Applicable codes", uniform building, fire, electrical,  
6 plumbing, or mechanical codes adopted by a recognized national  
7 code organization or local amendments to such codes enacted to  
8 prevent physical property damage or reasonably foreseeable injury  
9 to persons to the extent not inconsistent with sections 67.5110  
10 to 67.5121;

11 (3) "Applicant", any person who submits an application and  
12 is a wireless provider;

13 (4) "Application", a request submitted by an applicant to  
14 an authority for a permit to collocate small wireless facilities  
15 on a utility pole or wireless support structure, or to approve  
16 the installation, modification, or replacement of a utility pole;

17 (5) "Authority", the state or any agency, county,  
18 municipality, district, or subdivision thereof or any  
19 instrumentality of the same. The term shall not include  
20 municipal electric utilities or state courts having jurisdiction  
21 over an authority;

22 (6) "Authority pole", a utility pole owned, managed, or  
23 operated by or on behalf of an authority, but such term shall not  
24 include municipal electric utility distribution poles or  
25 facilities;

26 (7) "Authority wireless support structure", a wireless  
27 support structure owned, managed, or operated by or on behalf of  
28 an authority;

1       (8) "Collocate" or "collocation", to install, mount,  
2 maintain, modify, operate, or replace small wireless facilities  
3 on or immediately adjacent to a wireless support structure or  
4 utility pole, provided that the small wireless facility antenna  
5 is located on the wireless support structure or utility pole;

6       (9) "Communications facility", the set of equipment and  
7 network components, including wires, cables, and associated  
8 facilities used by a cable operator, as defined in 47 U.S.C.  
9 Section 522(5); a telecommunications carrier, as defined in 47  
10 U.S.C. Section 153(51); a provider of information service, as  
11 defined in 47 U.S.C. Section 153(24); or a wireless services  
12 provider; to provide communications services, including cable  
13 service, as defined in 47 U.S.C. Section 522(6);  
14 telecommunications service, as defined in 47 U.S.C. Section  
15 153(53); an information service, as defined in 47 U.S.C. Section  
16 153(24); wireless communications service; or other one-way or  
17 two-way communications service;

18       (10) "Communications service provider", a cable operator,  
19 as defined in 47 U.S.C. Section 522(5); a provider of information  
20 service, as defined in 47 U.S.C. Section 153(24); a  
21 telecommunications carrier, as defined in 47 U.S.C. Section  
22 153(51); or a wireless provider;

23       (11) "Decorative pole", an authority pole that is specially  
24 designed and placed for aesthetic purposes;

25       (12) "Fee", a one-time, nonrecurring charge;

26       (13) "Historic district", a group of buildings, properties,  
27 or sites that are either listed in the National Register of  
28 Historic Places or formally determined eligible for listing by

1 the Keeper of the National Register, the individual who has been  
2 delegated the authority by the federal agency to list properties  
3 and determine their eligibility for the National Register, in  
4 accordance with Section VI.D.1.a.i-v of the Nationwide  
5 Programmatic Agreement codified at 47 C.F.R. Part 1, Appendix C,  
6 or are otherwise located in a district made subject to special  
7 design standards adopted by a local ordinance or under state law  
8 as of January 1, 2018, or subsequently enacted for new  
9 developments;

10 (14) "Micro wireless facility", a small wireless facility  
11 that meets the following qualifications:

12 (a) Is not larger in dimension than twenty-four inches in  
13 length, fifteen inches in width, and twelve inches in height; and

14 (b) Any exterior antenna no longer than eleven inches;

15 (15) "Permit", a written authorization required by an  
16 authority to perform an action or initiate, continue, or complete  
17 a project;

18 (16) "Person", an individual, corporation, limited  
19 liability company, partnership, association, trust, or other  
20 entity or organization, including an authority;

21 (17) "Rate", a recurring charge;

22 (18) "Right-of-way", the area on, below, or above a public  
23 roadway, highway, street, sidewalk, alley, or similar property  
24 used for public travel, but not including a federal interstate  
25 highway, railroad right-of-way, or private easement;

26 (19) "Small wireless facility", a wireless facility that  
27 meets both of the following qualifications:

28 (a) Each wireless provider's antenna could fit within an

1 enclosure of no more than six cubic feet in volume; and

2 (b) All other equipment associated with the wireless  
3 facility, whether ground or pole mounted, is cumulatively no more  
4 than twenty-eight cubic feet in volume, provided that no single  
5 piece of equipment on the utility pole shall exceed nine cubic  
6 feet in volume; and no single piece of ground mounted equipment  
7 shall exceed fifteen cubic feet in volume, exclusive of equipment  
8 required by an electric utility or municipal electric utility to  
9 power the small wireless facility.

10  
11 The following types of associated ancillary equipment shall not  
12 be included in the calculation of equipment volume: electric  
13 meter, concealment elements, telecommunications demarcation box,  
14 grounding equipment, power transfer switch, cut-off switch, and  
15 vertical cable runs and related conduit for the connection of  
16 power and other services;

17 (20) "Technically feasible", by virtue of engineering or  
18 spectrum usage, the proposed placement for a small wireless  
19 facility or its design or site location can be implemented  
20 without a reduction in the functionality of the small wireless  
21 facility;

22 (21) "Utility pole", a pole or similar structure that is or  
23 may be used in whole or in part by or for wireline  
24 communications, electric distribution, lighting, traffic control,  
25 signage, or a similar function, or for the collocation of small  
26 wireless facilities; provided, however, such term shall not  
27 include wireless support structures, electric transmission  
28 structures, or breakaway poles owned by the state highways and

1 transportation commission;

2 (22) "Wireless facility", equipment at a fixed location  
3 that enables wireless communications between user equipment and a  
4 communications network, including equipment associated with  
5 wireless communications and radio transceivers, antennas, coaxial  
6 or fiber-optic cable, regular and backup power supplies, and  
7 comparable equipment, regardless of technological configuration.  
8 The term includes small wireless facilities. The term does not  
9 include:

10 (a) The structure or improvements on, under, or within  
11 which the equipment is collocated;

12 (b) Coaxial or fiber-optic cable between wireless support  
13 structures or utility poles;

14 (c) Coaxial or fiber-optic cable not directly associated  
15 with a particular small wireless facility; or

16 (d) A wireline backhaul facility;

17 (23) "Wireless infrastructure provider", any person,  
18 including a person authorized to provide telecommunications  
19 service in the state, that builds or installs wireless  
20 communication transmission equipment or wireless facilities but  
21 that is not a wireless services provider;

22 (24) "Wireless provider", a wireless infrastructure  
23 provider or a wireless services provider;

24 (25) "Wireless services", any services using licensed or  
25 unlicensed spectrum, including the use of wifi, whether at a  
26 fixed location or mobile, provided to the public using wireless  
27 facilities;

28 (26) "Wireless services provider", a person who provides

1 wireless services;

2 (27) "Wireless support structure", an existing structure,  
3 such as a monopole or tower, whether guyed or self-supporting,  
4 designed to support or capable of supporting wireless facilities;  
5 an existing or proposed billboard; an existing or proposed  
6 building; or other existing or proposed structure capable of  
7 supporting wireless facilities, other than a structure designed  
8 solely for the collocation of small wireless facilities. Such  
9 term shall not include a utility pole;

10 (28) "Wireline backhaul facility", a physical transmission  
11 path, all or part of which is within the right-of-way, used for  
12 the transport of communication data by wire from a wireless  
13 facility to a network.

14 67.5112. 1. The provisions of this section shall only  
15 apply to activities of a wireless provider within the right-of-  
16 way to deploy small wireless facilities and associated utility  
17 poles.

18 2. An authority shall not enter into an exclusive  
19 arrangement with any person for use or management of the right-  
20 of-way for the collocation of small wireless facilities or the  
21 installation, operation, marketing, modification, maintenance,  
22 management, or replacement of utility poles.

23 3. Subject to the provisions of sections 67.5110 to  
24 67.5121, an authority shall permit a wireless provider, as a  
25 permitted use not subject to zoning review or approval, to  
26 collocate small wireless facilities and install, maintain,  
27 modify, operate, and replace utility poles along, across, upon,  
28 and under the right-of-way, except that the placement in the

1 right-of-way of new or modified utility poles in single-family  
2 residential or areas zoned as historic as of August 28, 2018,  
3 remains subject to any applicable zoning requirements that are  
4 consistent with sections 67.5090 to 67.5103. Small wireless  
5 facilities collocated outside the right-of-way in property not  
6 zoned primarily for single-family residential use shall be  
7 classified as permitted uses and not subject to zoning review or  
8 approval. Such small wireless facilities and utility poles shall  
9 be installed and maintained as not to obstruct or hinder the  
10 usual travel or public safety on such right-of-way or obstruct  
11 the legal use of such right-of-way by authorities or other  
12 authorized right-of-way users. Nothing in this section shall  
13 grant any wireless provider the power of eminent domain.

14 4. Nothing in sections 67.5110 to 67.5121 shall prevent an  
15 authority, on a nondiscriminatory basis, from requiring a permit,  
16 with reasonable conditions, for work in a right-of-way that will  
17 involve excavation, affect traffic patterns, obstruct traffic in  
18 the right-of-way, or materially impede the use of a sidewalk.

19 5. Each new, replacement, or modified utility pole  
20 installed in the right-of-way shall not exceed the greater of ten  
21 feet in height above the tallest existing utility pole in place  
22 as of the effective date of sections 67.5110 to 67.5121 located  
23 within five hundred feet of the new pole in the same right-of-  
24 way, or fifty feet above ground level. New small wireless  
25 facilities in the right-of-way shall not extend more than ten  
26 feet above an existing utility pole in place as of August 28,  
27 2018, or for small wireless facilities on a new utility pole,  
28 above the height permitted for a new utility pole under this

1 section. A new, modified, or replacement utility pole that  
2 exceeds these height limits shall be subject to any applicable  
3 zoning requirements that apply to other utility poles and are  
4 consistent with sections 67.5090 to 67.5103.

5 6. A wireless provider shall be permitted to replace  
6 decorative poles when necessary to collocate a small wireless  
7 facility, but any replacement pole shall reasonably conform to  
8 the design aesthetics of the decorative pole or poles being  
9 replaced.

10 7. Subject to subsection 4 of section 67.5113, and except  
11 for facilities excluded from evaluation for effects on historic  
12 properties under 47 C.F.R. Section 1.1307(a)(4) of the Federal  
13 Communications Commission rules, an authority may require  
14 reasonable, technically feasible, nondiscriminatory, and  
15 technologically neutral design or concealment measures in a  
16 historic district. Any such design or concealment measures shall  
17 not have the effect of prohibiting any provider's technology, nor  
18 shall any such measures be considered a part of the small  
19 wireless facility for purposes of the size restrictions in the  
20 definition of small wireless facility.

21 8. The authority, in the exercise of its administration and  
22 regulation related to the management of the right-of-way, shall  
23 be competitively neutral with regard to other users of the right-  
24 of-way, including that terms shall not be unreasonable or  
25 discriminatory and shall not violate any applicable law. Nothing  
26 in sections 67.5110 to 67.5121 shall in any way be construed to  
27 modify or otherwise affect the rights, privileges, obligations,  
28 or duties, existing prior to August 28, 2018, of an electrical

1 corporation, as defined in section 386.020, or of a rural  
2 electric cooperative established under chapter 394, except to the  
3 extent that the corporation or cooperative deploys small wireless  
4 facilities that are used to provide services unrelated to the  
5 provision of their electric and gas utility service.

6 9. Small wireless facility collocations completed on or  
7 after August 28, 2018, shall not interfere with or impair the  
8 operation of existing utility facilities, or authority or third-  
9 party attachments. The authority may require a wireless provider  
10 to repair all damage to the right-of-way directly caused by the  
11 activities of the wireless provider in the right-of-way and to  
12 return the right-of-way to its functional equivalence before the  
13 damage under the competitively neutral, reasonable requirements  
14 and specifications of the authority. If the wireless provider  
15 fails to make the repairs required by the authority within a  
16 reasonable time after written notice, the authority may make  
17 those repairs and charge the applicable party the reasonable,  
18 documented cost of such repairs.

19 67.5113. 1. The provisions of this section shall apply to  
20 the permitting of small wireless facilities by a wireless  
21 provider in or outside the right-of-way and to the permitting of  
22 the installation, modification, and replacement of utility poles  
23 by a wireless provider inside the right-of-way.

24 2. An authority shall not prohibit, regulate, or charge for  
25 the collocation of small wireless facilities, except as provided  
26 under sections 67.5110 to 67.5121.

27 3. An authority may require an applicant to obtain one or  
28 more permits to collocate a small wireless facility or install a

1 new, modified, or replacement utility pole associated with a  
2 small wireless facility as provided in subsection 3 of section  
3 67.5112, provided such permits are of general applicability and  
4 do not apply exclusively to wireless facilities. An authority  
5 shall receive applications for, process, and issue such permits  
6 subject to the following requirements:

7 (1) An authority shall not directly or indirectly require  
8 an applicant to perform services or provide goods unrelated to  
9 the permit, such as in-kind contributions to the authority,  
10 including reserving fiber, conduit, or pole space for the  
11 authority;

12 (2) An applicant shall not be required to provide more  
13 information to obtain a permit than communications service  
14 providers that are not wireless providers, provided that an  
15 applicant may be required to include construction and engineering  
16 drawings and information demonstrating compliance with the  
17 criteria in subdivision (9) of this subsection and an attestation  
18 that the small wireless facility complies with the volumetric  
19 limitations in subdivision (19) of section 67.5111;

20 (3) An authority shall not require the placement of small  
21 wireless facilities on any specific utility pole or category of  
22 poles or require multiple antenna systems on a single utility  
23 pole;

24 (4) An authority shall not limit the placement of small  
25 wireless facilities by minimum horizontal separation distances;

26 (5) An authority may require a small wireless facility to  
27 comply with reasonable, objective, and cost-effective concealment  
28 or safety requirements adopted by the authority;

1       (6) The authority may require an applicant that is not a  
2 wireless services provider to provide evidence of agreements or  
3 plans demonstrating that the small wireless facilities will be  
4 operational for use by a wireless services provider within one  
5 year after the permit issuance date, unless the authority and the  
6 applicant agree to extend this period or if delay is caused by  
7 lack of commercial power or communications transport facilities  
8 to the site and the applicant notifies the authority thereof. An  
9 authority may require an applicant that is a wireless services  
10 provider to provide the information required by this subdivision  
11 by attestation;

12       (7) Within fifteen days of receiving an application, an  
13 authority shall determine and notify the applicant in writing  
14 whether the application is complete. If an application is  
15 incomplete, an authority shall specifically identify the missing  
16 information in writing. The processing deadline in subdivision  
17 (8) of this subsection is tolled from the time the authority  
18 sends the notice of incompleteness to the time the applicant  
19 provides the missing information. That processing deadline may  
20 also be tolled by agreement of the applicant and the authority;

21       (8) An application for collocation shall be processed on a  
22 nondiscriminatory basis and deemed approved if the authority  
23 fails to approve or deny the application within forty-five days  
24 of receipt of the application, except that the state highways and  
25 transportation commission shall have sixty days to approve or  
26 deny an application from the date the application was received.  
27 An application for installation of a new, modified, or  
28 replacement utility pole associated with a small wireless

1 facility shall be processed on a nondiscriminatory basis and  
2 deemed approved if the authority fails to approve or deny the  
3 application within sixty days of receipt of the application;

4 (9) An authority may deny a proposed collocation of a small  
5 wireless facility or installation, modification, or replacement  
6 of a utility pole that meets the requirements in subsection 3 of  
7 section 67.5112 only if the action proposed in the application  
8 could reasonably be expected to:

9 (a) Materially interfere with the safe operation of traffic  
10 control equipment or authority-owned communications equipment;

11 (b) Materially interfere with sight lines or clear zones  
12 for transportation, pedestrians, or nonmotorized vehicles;

13 (c) Materially interfere with compliance with the Americans  
14 with Disabilities Act, 42 U.S.C. Sections 12101 to 12213, or  
15 similar federal or state standards regarding pedestrian access or  
16 movement;

17 (d) Materially obstruct or hinder the usual travel or  
18 public safety on the right-of-way;

19 (e) Materially obstruct the legal use of the right-of-way  
20 by an authority, utility, or other third party;

21 (f) Fail to comply with reasonable and nondiscriminatory  
22 spacing requirements of general application adopted by ordinance  
23 or regulations promulgated by the state highways and  
24 transportation commission that concern the location of ground  
25 mounted equipment and new utility poles. Such spacing  
26 requirements shall not prevent a wireless provider from serving  
27 any location and shall include a waiver, zoning, or other process  
28 that addresses wireless provider requests for exception or

1 variance and does not prohibit granting of such exceptions or  
2 variances;

3 (g) Fail to comply with applicable codes, including  
4 nationally recognized engineering standards for utility poles or  
5 wireless support structures;

6 (h) Fail to comply with the reasonably objective and  
7 documented aesthetics of a decorative pole and the applicant does  
8 not agree to pay to match the applicable decorative elements; or

9 (i) Fail to comply with reasonable and nondiscriminatory  
10 undergrounding requirements contained in local ordinances as of  
11 January 1, 2018, or subsequently enacted for new developments,  
12 that require all utility facilities in the area to be placed  
13 underground and prohibit the installation of new or the  
14 modification of existing utility poles in a right-of-way without  
15 prior approval, provided that such requirements include a waiver  
16 or other process of addressing requests to install such utility  
17 poles and do not prohibit the replacement or modification of  
18 existing utility poles consistent with this section or the  
19 provision of wireless services;

20 (10) The authority shall document the complete basis for a  
21 denial in writing, and send the documentation to the applicant on  
22 or before the day the authority denies an application. The  
23 applicant may cure the deficiencies identified by the authority  
24 and resubmit the application within thirty days of the denial  
25 without paying an additional application fee. The authority  
26 shall approve or deny the revised application within thirty days.  
27 Any subsequent review shall be limited to the deficiencies cited  
28 in the denial;

1           (11) (a) An applicant seeking to collocate small wireless  
2 facilities within the jurisdiction of a single authority shall be  
3 allowed, at the applicant's discretion, to file a consolidated  
4 application and receive a single permit for the collocation of  
5 multiple small wireless facilities; provided, however, the denial  
6 of one or more small wireless facilities in a consolidated  
7 application shall not delay processing of any other small  
8 wireless facilities in the same batch; and

9           (b) An application may include up to twenty separate small  
10 wireless facilities, provided that they are for the same or  
11 materially same design of small wireless facility being  
12 collocated on the same or materially the same type of utility  
13 pole or wireless support structure, and geographically proximate.  
14 If an authority receives individual applications for approval of  
15 more than fifty small wireless facilities or consolidated  
16 applications for approval of more than seventy-five small  
17 wireless facilities within a fourteen day period, whether from a  
18 single applicant or multiple applicants, the authority may, upon  
19 its own request, obtain an automatic thirty day extension for any  
20 additional collocation or replacement or installation application  
21 submitted during that fourteen day period or in the fourteen day  
22 period immediately following the prior fourteen day period. An  
23 authority shall promptly communicate its request to each and any  
24 affected applicant. In rendering a decision on an application  
25 for multiple small wireless facilities, the authority may approve  
26 the application as to certain individual small wireless  
27 facilities while denying it as to others based on applicable  
28 requirements and standards, including those identified in this

1 section. The authority's denial of any individual small wireless  
2 facility or subset of small wireless facilities within an  
3 application shall not be a basis to deny the application as a  
4 whole;

5 (12) Installation or collocation for which a permit is  
6 granted under this section shall be completed within one year  
7 after the permit issuance date unless the authority and the  
8 applicant agree to extend this period, or the applicant notifies  
9 the authority that the delay is caused by a lack of commercial  
10 power or communications transport facilities to the site.

11 Approval of an application authorizes the applicant to:

12 (a) Undertake the installation or collocation; and

13 (b) Operate and maintain the small wireless facilities and  
14 any associated utility pole covered by the permit for a period of  
15 not less than ten years, which shall be renewed for equivalent  
16 durations so long as they are in compliance with the criteria set  
17 forth in subdivision (9) of this subsection, unless the applicant  
18 and the authority agree to an extension term of less than ten  
19 years. The provisions of this paragraph shall be subject to the  
20 right of the authority to require, upon adequate notice and at  
21 the facility owner's own expense, relocation of facilities as may  
22 be needed in the interest of public safety and convenience, and  
23 the applicant's right to terminate at any time;

24 (13) An authority shall not institute, either expressly or  
25 de facto, a moratorium on filing, receiving, or processing  
26 applications or issuing permits or other approvals, if any, for  
27 the collocation of small wireless facilities or the installation,  
28 modification, or replacement of utility poles to support small

1 wireless facilities. Notwithstanding the foregoing, an authority  
2 may impose a temporary moratorium on applications for small  
3 wireless facilities and the collocation thereof for the duration  
4 of a federal or state-declared natural disaster plus a reasonable  
5 recovery period, or for no more than thirty days in the event of  
6 a major and protracted staffing shortage that reduces the number  
7 of personnel necessary to receive, review, process, and approve  
8 or deny applications for the collocation of small wireless  
9 facilities by more than fifty percent;

10 (14) Nothing in this section precludes an authority from  
11 adopting reasonable rules with respect to the removal of  
12 abandoned small wireless facilities;

13 (15) In determining whether sufficient capacity exists to  
14 accommodate the attachment of a new small wireless facility, an  
15 authority shall grant access subject to a reservation to reclaim  
16 such space, when and if needed, to meet the pole owner's core  
17 utility purpose or documented authority plan projected at the  
18 time of the application pursuant to a bona fide development plan,  
19 or if the state highways and transportation commission is the  
20 relevant authority and determines, in its sole discretion, that  
21 attachment of the small wireless facility will affect the safety  
22 of the public using the right-of-way; and

23 (16) In emergency circumstances that result from a natural  
24 disaster or accident, an authority may require the owner or  
25 operator of a wireless facility to immediately remove such  
26 facility if the wireless facility is obstructing traffic or  
27 causing a hazard on the authority's roadway. In the event that  
28 the owner or operator of the wireless facility is unable to

1 immediately remove the wireless facility, the authority is  
2 authorized to remove the wireless facility from the roadway or  
3 other position that renders the wireless facility hazardous.  
4 Under these emergency circumstances, the authority shall not be  
5 liable for any damage caused by removing the wireless facility  
6 and may charge the owner or operator of the wireless facility the  
7 authority's reasonable expenses incurred in removing the wireless  
8 facility.

9 4. An authority shall not require an application for:

10 (1) Routine maintenance on previously permitted small  
11 wireless facilities;

12 (2) The replacement of small wireless facilities with small  
13 wireless facilities that are the same or smaller in size, weight,  
14 and height; or

15 (3) The installation, placement, maintenance, operation, or  
16 replacement of micro wireless facilities that are strung on  
17 cables between utility poles, in compliance with applicable  
18 codes.

19  
20 For work described in subdivisions (1) and (2) of this subsection  
21 that involves different equipment than that being replaced, an  
22 authority may require a description of such new equipment so that  
23 the authority may maintain an accurate inventory of the small  
24 wireless facilities at that location.

25 5. No approval for the installation, placement,  
26 maintenance, or operation of a small wireless facility under this  
27 section shall be construed to confer authorization for the  
28 provision of cable television service, or installation,

1 placement, maintenance, or operation of a wireline backhaul  
2 facility or communications facility, other than a small wireless  
3 facility, in the right-of-way.

4 6. Except as provided in sections 67.5110 to 67.5121, no  
5 authority may adopt or enforce any ordinances or requirements  
6 that require the holder of a franchise or video service  
7 authorization as defined under section 67.2677 and that could be  
8 required to pay a video service provider fee to a franchise  
9 entity under section 67.2689, to obtain additional authorization  
10 or to pay additional fees for the provision of communications  
11 service over such holder's communications facilities in the  
12 right-of-way.

13 7. A municipal electric utility shall not require an  
14 application, permit, or charge a fee for the installation,  
15 placement, maintenance, operation, or replacement of micro  
16 wireless facilities that are strung on cables between utility  
17 poles, in compliance with applicable codes.

18 67.5114. 1. This section only applies to collocations on  
19 authority poles and authority wireless support structures that  
20 are located on authority property outside the right-of-way.

21 2. Subject to subsection 3 of this section, an authority  
22 shall authorize the collocation of small wireless facilities on  
23 authority wireless support structures and authority poles to the  
24 same extent, if any, that the authority permits access to such  
25 structures for other commercial projects or uses. Such  
26 collocations shall be subject to reasonable and nondiscriminatory  
27 rates, fees, and terms as provided in an agreement between the  
28 authority, or its agent, and the wireless provider.

1           3. An authority shall not enter into an exclusive agreement  
2 with a wireless provider concerning authority poles or authority  
3 wireless support structures, including stadiums and enclosed  
4 arenas, unless the agreement meets the following requirements:

5           (1) The wireless provider provides service using a shared  
6 network of wireless facilities that it makes available for access  
7 by other wireless providers, on reasonable and nondiscriminatory  
8 rates and terms that shall include use of the entire shared  
9 network, as to itself, an affiliate, or any other entity; or

10          (2) The wireless provider allows other wireless providers  
11 to collocate small wireless facilities, on reasonable and  
12 nondiscriminatory rates and terms, as to itself, an affiliate, or  
13 any other entity.

14          4. When determining whether a rate, fee, or term is  
15 reasonable and nondiscriminatory for the purposes of this  
16 section, consideration may be given to any relevant facts,  
17 including alternative financial or service remuneration,  
18 characteristics of the proposed equipment or installation,  
19 structural limitations, or other commercial or unique features or  
20 components.

21          67.5115. 1. The provisions of this section shall apply to  
22 activities of a wireless provider within the right-of-way.

23          2. A person owning, managing, or controlling authority  
24 poles in the right-of-way shall not enter into an exclusive  
25 arrangement with any person for the right to attach to such  
26 poles. A person who purchases or otherwise acquires an authority  
27 pole is subject to the requirements of this section.

28          3. An authority shall allow the collocation of small

1 wireless facilities on authority poles using the process set  
2 forth in section 67.5113.

3 4. The authority may require, as part of an application,  
4 engineering and construction drawings, as well as plans and  
5 detailed cost estimates for any make-ready work as needed, for  
6 which the applicant shall be solely responsible.

7 5. Make-ready work shall be addressed as follows, unless  
8 the parties agree to different terms in a pole attachment  
9 agreement:

10 (1) The rates, fees, and terms and conditions for the make-  
11 ready work to collocate on an authority pole shall be  
12 nondiscriminatory, competitively neutral, and commercially  
13 reasonable, and shall comply with sections 67.5110 to 67.5121;

14 (2) The authority shall provide a good faith estimate for  
15 any make-ready work necessary to enable the pole to support the  
16 requested collocation by a wireless provider, including pole  
17 replacement if necessary, within sixty days after receipt of a  
18 complete application. Make-ready work, including any pole  
19 replacement, shall be completed within sixty days of written  
20 acceptance of the good faith estimate and advance payment, if  
21 required, by the applicant. An authority may require replacement  
22 of the authority pole on a nondiscriminatory basis for reasons of  
23 safety and reliability, including a demonstration that the  
24 collocation would make the authority pole structurally unsound,  
25 including, but not limited to, if the collocation would cause a  
26 utility pole owned by the state highways and transportation  
27 commission to fail a crash test; and

28 (3) The person owning, managing, or controlling the

1 authority pole shall not require more make-ready work than  
2 required to meet applicable codes or industry standards. Fees  
3 for make-ready work shall not include costs related to  
4 preexisting or prior damage or noncompliance unless the authority  
5 had determined, prior to the filing of the application, to  
6 permanently abandon and not repair or replace the structure.  
7 Fees for make-ready work, including any pole replacement, shall  
8 not exceed actual costs or the amount charged to other  
9 communications service providers for similar work, and shall not  
10 include third party fees, charges, or expenses, except for  
11 amounts charged by licensed contractors actually performing the  
12 make-ready work.

13 6. When a small wireless facility is located in the right-  
14 of-way of the state highway system, equipment and facilities  
15 directly associated with a particular small wireless facility,  
16 including coaxial and fiber optic cable, conduit, and ground  
17 mounted equipment, shall remain in the utility corridor except as  
18 needed to reach an authority or utility pole in the right-of-way  
19 but outside the utility corridor in which the small wireless  
20 facility is collocated.

21 67.5116. 1. This section shall govern the rate to  
22 collocate small wireless facilities and an authority's rates and  
23 fees for the placement of utility poles, but shall not limit an  
24 authority's ability to recover specific removal costs from the  
25 attaching wireless provider for abandoned structures. The rates  
26 to collocate on authority poles shall be nondiscriminatory  
27 regardless of the services provided by the collocating applicant.

28 2. An authority shall not require a wireless provider to

1 pay any rates, fees, or compensation to the authority or other  
2 person other than what is expressly authorized by sections  
3 67.5110 to 67.5121 for the use and occupancy of a right-of-way,  
4 for collocation of small wireless facilities on utility poles in  
5 the right-of-way, or for the installation, maintenance,  
6 modification, operation, and replacement of utility poles in the  
7 right-of-way.

8 3. Application fees shall be subject to the following  
9 requirements:

10 (1) Application fees shall be based on actual, direct, and  
11 reasonable administrative costs incurred for the review,  
12 processing, and approval of an application for the placement of a  
13 small wireless facility or the installation or replacement of a  
14 utility pole. Any such costs already recovered by existing fees,  
15 rates, licenses, or taxes paid by a wireless services provider  
16 shall not be included in the application fee;

17 (2) An application fee shall not include travel expenses  
18 incurred by a third party in its review of an application, or  
19 direct payment or reimbursement of third party rates or fees  
20 charged on a contingency basis or a result-based arrangement;

21 (3) The total fee for any application under subsection 3 of  
22 section 67.5113 for collocation of small wireless facilities on  
23 existing authority poles shall not exceed one hundred dollars per  
24 small wireless facility. An applicant filing a consolidated  
25 application under subdivision (11) of subsection 3 of section  
26 67.5113 shall pay one hundred dollars per small wireless facility  
27 included in the consolidated application; and

28 (4) The total application fees for the installation,

1 modification, or replacement of a utility pole and the  
2 collocation of an associated small wireless facility shall not  
3 exceed five hundred dollars per pole.

4 4. (1) The rate for collocation of a small wireless  
5 facility to an authority pole shall not exceed one hundred  
6 dollars per authority pole per year.

7 (2) An authority shall not charge a wireless provider any  
8 fee, tax other than a tax authorized by subdivision (3) of this  
9 subsection, or other charge, or require any other form of payment  
10 or compensation, to locate a wireless facility or wireless  
11 support structure on privately owned property, or on a wireless  
12 support structure not owned by the authority.

13 (3) No authority shall demand any fees, rentals, licenses,  
14 charges, payments, or assessments from any applicant or wireless  
15 provider for, or in any way relating to or arising from, the  
16 construction, deployment, installation, mounting, modification,  
17 operation, use, replacement, maintenance, or repair of small  
18 wireless facilities or utility poles, except for the following:

19 (a) As otherwise expressly provided in sections 67.5110 to  
20 67.5121;

21 (b) Applicable personal property and sales taxes or  
22 generally applicable fees for encroachment or electrical permits;

23 (c) Applicable fair and reasonable linear foot fees as  
24 provided in subsection 1 of section 67.1846 associated with  
25 coaxial or fiber-optic cable in the right-of-way that is:

26 a. Between wireless support structures or utility poles;

27 b. Not directly associated with a particular small wireless  
28 facility; or

1           c. A wireline backhaul facility.

2  
3           No authority shall require a wireless provider to pay a linear  
4           foot fee for coaxial or fiber-optic cable in the right-of-way  
5           associated with a small wireless facility if the owner of such  
6           coaxial or fiber-optic cable in the right-of-way already is  
7           assessed and charged such a linear foot fee; and

8           (d) Right-of-way permit fees established under section  
9           67.1840 for the recovery of actual, substantiated right-of-way  
10           management costs or as otherwise authorized under section  
11           229.340.

12  
13           Right-of-way permit fees imposed on applicants and wireless  
14           providers shall be competitively neutral with regard to all other  
15           users of the right-of-way; shall not be in the form of a  
16           franchise fee or tax or other fee based on noncost related  
17           factors such as revenue, sales, profits, lines, subscriptions, or  
18           customer counts; and shall not result in double recovery where  
19           existing charges already recover the direct and actual costs of  
20           managing the right-of-way. This paragraph prohibits the  
21           imposition of business license taxes, business license fees, or  
22           gross receipts taxes on wireless providers, whether based on  
23           gross receipts or other factors, except that this subdivision  
24           allows the imposition of such taxes and fees consistent with  
25           subsection 2 of section 67.1846 that are also imposed on wireline  
26           telecommunications businesses operating within the jurisdiction  
27           of the authority, or as mutually agreed to by the authority and  
28           the wireless provider.

1           67.5117. Nothing in sections 67.5110 to 67.5121 shall be  
2 interpreted to allow any entity to provide services regulated  
3 under 47 U.S.C. Sections 521 to 573 without compliance with all  
4 laws applicable to such providers, nor shall sections 67.5110 to  
5 67.5121 be interpreted to impose any new requirements on cable  
6 providers for the provision of such service in this state.

7           67.5118. Subject to the provisions of sections 67.5110 to  
8 67.5121 and applicable federal law, an authority shall continue  
9 to exercise zoning, land use, planning, and permitting authority  
10 within its territorial boundaries, including with respect to  
11 wireless support structures and utility poles, except that no  
12 authority shall have or exercise any jurisdiction or authority  
13 over the design, engineering, construction, installation, or  
14 operation of any small wireless facility located in an interior  
15 structure or upon the site of any campus, stadium, or athletic  
16 facility not owned or controlled by the authority, other than to  
17 comply with applicable codes. Nothing in sections 67.5110 to  
18 67.5121 authorizes the state or any political subdivision,  
19 including an authority, to require wireless facility deployment  
20 or to regulate wireless services.

21           67.5119. 1. Within the later of two months after August  
22 28, 2018, or two months after receiving a request from a wireless  
23 provider, an authority shall adopt an ordinance or develop an  
24 agreement that makes available to wireless providers rates, fees,  
25 and other terms that comply with sections 67.5110 to 67.5121,  
26 subject to subsections 2 of this section. An authority and a  
27 wireless provider may enter into an agreement implementing  
28 sections 67.5110 to 67.5121, but an authority shall not require a

1 wireless provider to enter into such an agreement.

2 2. Sections 67.5110 to 67.5121 shall not nullify, modify,  
3 amend, or prohibit a mutual agreement between an authority and a  
4 wireless provider made prior to August 28, 2018, but an agreement  
5 that does not fully comply with sections 67.5110 to 67.5121 shall  
6 apply only to small wireless facilities and utility poles that  
7 were installed or approved for installation before August 28,  
8 2018, subject to any termination provisions in the agreement.  
9 Such an agreement shall not be renewed, extended, or made to  
10 apply to any small wireless facility or utility pole installed or  
11 approved for installation after August 28, 2018, unless it is  
12 modified to fully comply with sections 67.5110 to 67.5121. In  
13 the absence of an agreement, and until such a compliant agreement  
14 or ordinance is entered or adopted, small wireless facilities and  
15 utility poles that become operational or were constructed before  
16 August 28, 2018, may remain installed and be operated under the  
17 requirements of sections 67.5110 to 67.5121.

18 67.5120. A court of competent jurisdiction shall have  
19 jurisdiction to determine all disputes arising under sections  
20 67.5110 to 67.5121.

21 67.5121. 1. An authority may adopt indemnification,  
22 insurance, and bonding requirements related to small wireless  
23 facility permits, subject to the requirements of this section.

24 2. An authority may only require a wireless provider to  
25 indemnify and hold the authority and its officers and employees  
26 harmless against any damage or personal injury caused by the  
27 negligence of the wireless provider or its employees, agents, or  
28 contractors.

1           3. An authority may require a wireless provider to have in  
2 effect insurance coverage consistent with subsection 2 of this  
3 section, or a demonstration of a comparable self insurance  
4 program, so long as the authority imposes similar requirements on  
5 other similarly situated utility right-of-way users, and such  
6 requirements are reasonable and nondiscriminatory. An authority  
7 shall not require a self-insured wireless provider to obtain  
8 insurance naming the authority or its officers and employees as  
9 additional insured. An authority may require a wireless provider  
10 to furnish proof of insurance, if required, prior to the  
11 effective date of any permit issued for a small wireless  
12 facility.

13           4. An authority may adopt bonding requirements for small  
14 wireless facilities if the authority imposes similar requirements  
15 in connection with permits issued for other similarly situated  
16 utility right-of-way users. The purpose of such bonds shall be  
17 to:

18           (1) Provide for the removal of abandoned or improperly  
19 maintained small wireless facilities, including those that an  
20 authority determines need to be removed to protect public health,  
21 safety, or welfare;

22           (2) Restore the right-of-way in connection with removals  
23 under section 67.5113;

24           (3) Recoup rates or fees that have not been paid by a  
25 wireless provider in over twelve months, so long as the wireless  
26 provider has received reasonable notice from the authority of any  
27 noncompliance listed above and been given an opportunity to cure;

28           (4) Bonding requirements shall not exceed one thousand five

1 hundred dollars per small wireless facility. For wireless  
2 providers with multiple small wireless facilities within the  
3 jurisdiction of a single authority, the total bond amount across  
4 all facilities shall not exceed seventy-five thousand dollars,  
5 which amount may be combined into one bond instrument.

6 5. Applicants that have at least twenty-five million  
7 dollars in assets in the state and do not have a history of  
8 permitting noncompliance as defined by an authority within its  
9 jurisdiction shall, under section 67.1830, be exempt from the  
10 insurance and bonding requirements otherwise authorized by this  
11 section.

12 6. Any contractor, subcontractor, or wireless  
13 infrastructure provider shall be under contract with a wireless  
14 services provider to perform work in the right-of-way related to  
15 small wireless facilities or utility poles, and such entities  
16 shall be properly licensed under the laws of the state and all  
17 applicable local ordinances, if required. Each contracted entity  
18 shall have the same obligations with respect to his or her work  
19 as a wireless services provider would have under sections 67.5110  
20 to 67.5121 and other applicable laws if the work were performed  
21 by a wireless services provider. The wireless services provider  
22 shall be responsible for ensuring that the work of such  
23 contracted entities is performed consistently with the wireless  
24 services provider's permits and applicable laws relating to the  
25 deployment of small wireless facilities and utility poles, and  
26 responsible for promptly correcting acts or omissions by such  
27 contracted entity.

28 7. The state highways and transportation commission may

1 establish the same indemnification, insurance, and bond  
2 requirements related to small wireless facility permits as it  
3 imposes on other users of the state highways and transportation  
4 commission right-of-way.

5 67.5122. Sections 67.5110 to 67.5122 shall expire on  
6 January 1, 2021, except that for small wireless facilities  
7 already permitted or collocated on authority poles prior to such  
8 date, the rate set forth in section 67.5116 for collocation of  
9 small wireless facilities on authority poles shall remain  
10 effective for the duration of the permit authorizing the  
11 collocation.

12 67.5125. By December 31, 2018, the department of revenue  
13 shall prepare and deliver a report to the general assembly on the  
14 amount of revenue collected by local governments for the previous  
15 three fiscal years from communications service providers, as such  
16 term is defined in section 67.5111; a direct-to-home satellite  
17 service, as defined in Public Law 104-104, Title VI, Section 602;  
18 and any video service provided through electronic commerce, as  
19 defined in Public Law 105-277, Title XI, as amended, Section  
20 1105(3), from video fees, linear foot fees, antenna fees, sales  
21 and use taxes, gross receipts taxes, business license fees,  
22 business license taxes, or any other taxes or fees assessed to  
23 such providers.

24 Section B. If any provision of section A of this act or the  
25 application thereof to anyone or to any circumstance is held  
26 invalid, the remainder of those sections and the application of  
27 such provisions to others or other circumstances shall not be  
28 affected thereby.

1           Section C. The enactment of sections 67.5110, 67.5111,  
2   67.5112, 67.5113, 67.5114, 67.5115, 67.5116, 67.5117, 67.5118,  
3   67.5119, 67.5120, 67.5121, and 67.5122 of this act shall become  
4   effective January 1, 2019.