

2022 Regular Session

HOUSE BILL NO. 276

BY REPRESENTATIVE BISHOP

TELECOMMUNICATIONS: Exempts certain video programming from franchise fees

1 AN ACT

2 To amend and reenact R.S. 45:1363(introductory paragraph), (1), and (14), relative to
3 franchise fees associated with video services; to provide for certain definitions; and
4 to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 45:1363(introductory paragraph), (1), and (14) are hereby amended
7 and reenacted to read as follows:

8 §1363. Definitions

9 ~~When~~ As used in this Chapter, the following terms have the following
10 meanings:

11 (1) "Cable service" means the one-way transmission to subscribers of video
12 programming or other programming service and any subscriber interaction required
13 for the selection or use of ~~such~~ video programming or other programming service;
14 ~~but~~, "Cable service" shall not include any video programming provided by a
15 commercial mobile service provider or video programming accessed via a service
16 that enables users to access content, information, e-mail, or other services offered
17 over the internet, including streaming content.

18 * * *

19 (14) "Video service" means video programming services provided through
20 wireline facilities located at least in part in the public rights of way without regard

1 to delivery technology, including Internet protocol technology. "Video service" shall
 2 not include any video programming provided by a any of the following:

3 (a) A commercial mobile service provider as defined in this Section.
 4 (b) A direct broadcast satellite service as defined in 47 U.S.C. 335(b)(5)(A).
 5 (c) ~~or video~~ Video programming provided as part of accessed via a service
 6 that enables users to access content, information, e-mail, or other services offered
 7 over the ~~public Internet~~ internet, including streaming content.

8 * * *

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 276 Engrossed

2022 Regular Session

Bishop

Abstract: Exempts certain video programming, including streaming services, from the definition of "video service" and "cable service" for purposes of franchise fees.

Present law defines "cable service" as the one-way transmission to subscribers of video programming or other programming service and any subscriber interaction required for the selection or use of video programming or other programming service. Present law exempts video programming provided by a commercial mobile service provider from the definition of "cable service".

Proposed law retains the exemption for video programming provided by a commercial service provider from the definition of "cable service" but expands the exemption to include video programming accessed via a service that enables users to access content, information, e-mail, or other services offered over the internet, including streaming content.

Present law defines "video service" as video programming services provided through wireline facilities located at least in part in the public rights of way without regard to delivery technology, including internet protocol technology. Present law exempts video programming by a commercial mobile service provider or video programming provided as part of a service enabling users to access information over the internet from the definition of "video service".

Proposed law retains present law but expands the exemption from the definition of "video service" to include streaming content.

(Amends R.S. 45:1363(intro. para.), (1), and (14))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Ways and Means to the original bill:

1. Delete provisions in proposed law authorizing the secretary of state to audit, file suit, and resolve disputes relating to franchise fee payments.

2. Exclude video programming accessed via a service that enables users to access content, information, e-mail, or other services offered over the internet, including streaming content from the definition of "cable service".
3. Exclude streaming content from the definition of "video service".