



# SENATE MOTION

**MR. PRESIDENT:**

**I move** that Engrossed House Bill 1427 be amended to read as follows:

- 1       Page 118, between lines 29 and 30, begin a new paragraph and
- 2       insert:
- 3       "SECTION 75. IC 8-1-34-17, AS AMENDED BY P.L.86-2018,
- 4       SECTION 141, IS AMENDED TO READ AS FOLLOWS
- 5       [EFFECTIVE JULY 1, 2025]: Sec. 17. (a) Not later than fifteen (15)
- 6       business days after the commission receives an application under
- 7       section 16 of this chapter, the commission shall determine whether the
- 8       application is complete and properly verified. If the commission
- 9       determines that the application is incomplete or is not properly verified,
- 10      the commission shall notify the applicant of the deficiency and allow
- 11      the applicant to resubmit the application after correcting the deficiency.
- 12      If the commission determines that the application is complete and
- 13      properly verified, the commission shall issue the applicant a certificate
- 14      of franchise authority. A certificate issued under this section must
- 15      contain:
- 16          (1) a grant of authority to provide the video service requested in
- 17          the application;
- 18          (2) a grant of authority to use and occupy public rights-of-way in
- 19          the delivery of the video service, subject to:
- 20              (A) state and local laws and regulations governing the use and
- 21              occupancy of public rights-of-way; and
- 22              (B) the police powers of local units to enforce local ordinances
- 23              and regulations governing the use and occupancy of public
- 24              rights-of-way; and
- 25          (3) a statement that the authority granted under subdivisions (1)
- 26          and (2) is subject to the holder's lawful provision and operation of
- 27          the video service.

(b) Except as provided in subsection (c) and sections 16(d) and 28 of this chapter, the commission may not require a provider to:

- (1) satisfy any build-out requirements;
- (2) deploy, or make investments in, any infrastructure, facilities, or equipment; or
- (3) pay an application fee, a document fee, a state franchise fee, a service charge, or any fee other than the franchise fee paid to a local unit under section 24 of this chapter;

as a condition of receiving or holding a certificate under this chapter.

(c) This section does not limit the commission's right to enforce any obligation described in subsection (b) that a provider is subject to under the terms of a settlement agreement approved by the commission before July 29, 2004.

(d) The general assembly, a state agency, or a unit may not adopt a law, rule, ordinance, or regulation governing the use and occupancy of public rights-of-way that:

- (1) discriminates against any provider, or is unduly burdensome with respect to any provider, based on the particular facilities or technology used by the provider to deliver video service; or
- (2) allows a video service system owned or operated by a unit to use or occupy public rights-of-way on terms or conditions more favorable or less burdensome than those that apply to other providers.

A law, a rule, an ordinance, or a regulation that violates this subsection is void.

**(e) The state franchise fee authorized by this section shall be in lieu of any permit fee, encroachment fee, degradation fee, or any other fee that might otherwise be imposed on a state issued franchise holder for the holder's occupation of, or work within, the public right-of-way. However, nothing in this section shall restrict the right of any municipal or county governing authority to impose an ad valorem tax, a sales tax, or any other tax lawfully imposed on a majority of all other businesses within the municipality or county."**

Renumber all SECTIONS consecutively.

(Reference is to EHB 1427 as printed April 2, 2025.)

---

Senator BASSLER