

# HB4437



## 100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB4437

by Rep. Linda Chapa LaVia

### SYNOPSIS AS INTRODUCED:

35 ILCS 635/30

Amends the Telecommunications Infrastructure Maintenance Fee Act. Provides that the existing prohibition or new franchise fees does not prohibit a municipality from requiring telecommunications carriers to pay a reasonable application fee in order to gain access to the public right-of-way. Effective immediately.

LRB100 16114 HLH 31233 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning revenue.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Telecommunications Infrastructure  
5 Maintenance Fee Act is amended by changing Section 30 as  
6 follows:

7 (35 ILCS 635/30)

8 Sec. 30. Validity of existing franchise fees and  
9 agreements.

10 (a) No new franchise fees ~~or other charges~~ for the use of  
11 the public rights-of-way, ~~including charges for the recovery of~~  
12 ~~reasonable costs of regulating the use of the public~~  
13 ~~rights-of-way~~, shall be imposed upon, levied on, or otherwise  
14 required of telecommunications retailers by ordinance,  
15 resolution, or contract, nor shall any other new charges be  
16 required from telecommunications retailers by municipalities  
17 from and after the effective date of this Act. This Act does  
18 not prohibit a municipality from requiring telecommunications  
19 carriers to pay a reasonable application fee in order to gain  
20 access to the public right-of-way. Nothing in this Act shall  
21 excuse any person or entity from obligations imposed under any  
22 law concerning generally applicable taxes or standards for  
23 construction on, over, under, or within, use of or repair of

1 the public rights-of-way, including standards relating to free  
2 standing towers and other structures upon the public way, nor  
3 shall any person or entity be excused from any liability  
4 imposed by any such law for the failure to comply with such  
5 generally applicable taxes or standards governing construction  
6 on, over, under, or within, use of or repair of the public  
7 rights-of-way.

8 (b) Agreements between telecommunications retailers and  
9 municipalities entered into before the effective date of this  
10 Act regarding use of the public ways shall remain valid  
11 according to and for their stated terms, except as to fees or  
12 charges waived under Section 5-60 of the Simplified Municipal  
13 Telecommunications Tax Act.

14 (c) The regulation of the terms and conditions upon which  
15 poles, conduits, and other facilities located in the public way  
16 may be shared by or between telecommunications retailers shall  
17 be committed exclusively to the jurisdiction of the Illinois  
18 Commerce Commission and the Federal Communications Commission,  
19 and such regulation shall not be among the home rule powers and  
20 functions described in subsection (h) of Section 6 of Article  
21 VII of the Illinois Constitution. Moreover, no municipality may  
22 enter into any contract or agreement with a telecommunications  
23 retailer with respect to the terms and conditions upon which  
24 poles, conduits, and other facilities located in the public way  
25 may be shared by or between telecommunications retailers.

26 (Source: P.A. 92-526, eff. 1-1-03.)

1           Section 99. Effective date. This Act takes effect upon  
2           becoming law.