



# 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.

1 (b) Except as provided in subsection (c) and sections 16(d) and 28  
 2 of this chapter, the commission may not require a provider to:  
 3 (1) satisfy any build-out requirements;  
 4 (2) deploy, or make investments in, any infrastructure, facilities,  
 5 or equipment; or  
 6 (3) pay an application fee, a document fee, a state franchise fee,  
 7 a service charge, or any fee other than the franchise fee paid to a  
 8 local unit under section 24 of this chapter;  
 9 as a condition of receiving or holding a certificate under this chapter.

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

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

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

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

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

35 Renumber all SECTIONS consecutively.  
 (Reference is to EHB 1427 as printed April 2, 2025.)

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Senator BASSLER