

State of Arkansas
94th General Assembly
Regular Session, 2023

As Engrossed: H2/14/23

A Bill

HOUSE BILL 1338

By: Representative B. McKenzie

By: Senator J. Bryant

For An Act To Be Entitled

AN ACT TO AMEND THE ARKANSAS VIDEO SERVICE ACT; TO
PROVIDE CLARITY CONCERNING THE USE OF A PUBLIC RIGHT
OF WAY; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE ARKANSAS VIDEO SERVICE ACT;
AND TO PROVIDE CLARITY CONCERNING THE USE
OF A PUBLIC RIGHT OF WAY.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code § 23-19-202(15), concerning the definition of "video service" used under the Arkansas Video Service Act, is amended to read as follows:

(15)(A) "Video service" means the delivery of video programming by a video service provider to subscribers in which:

(i) The video programming is generally considered comparable to video programming delivered to viewers by a television broadcast station, cable service, or digital television service, without regard to the technology used to deliver the video service, including ~~Internet~~ internet protocol technologies; and

(ii) The service is provided primarily through equipment or facilities owned, controlled, constructed, or operated by the video service provider and located in whole or in part in, on, under, or over any public right-of-way.

(B) "Video service" includes cable service and video



service delivered by a community antenna television system ~~but~~.

(C) "Video service" excludes video programming:

(i) Provided to persons:

(a) ~~in~~ In their capacity as subscribers to commercial mobile service as defined in 47 U.S.C. § 332(d), as it existed on January 1, 2013; or

(b) By means of direct-to-home satellite services as defined in 47 U.S.C. § 303(v), as it existed on January 1, 2023, that are transmitted from a satellite directly to a customer's premises without using or accessing any portion of the public right-of-way; or

(ii) ~~Provided as part of and~~ Accessed via a service that enables end users to access content, information, electronic mail, or other services offered over the public ~~Internet~~ internet, including streaming content;

/s/B. McKenzie

APPROVED: 3/16/23