

FIRST REGULAR SESSION

SENATE BILL NO. 648

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR THOMPSON REHDER.

2516S.02I

KRISTINA MARTIN, Secretary

AN ACT

To amend chapter 434, RSMo, by adding thereto one new section relating to pole attachment agreements, with an emergency clause.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Chapter 434, RSMo, is amended by adding thereto
2 one new section, to be known as section 434.110, to read as
3 follows:

434.110. 1. In any licensing contract or agreement
2 related to pole attachments, a party's covenant, promise, or
3 agreement to indemnify or hold harmless another person from
4 the person's own negligence or wrongdoing is void as against
5 public policy and wholly unenforceable.

6 2. In any licensing contract or agreement related to
7 pole attachments, any covenant, promise, or agreement to
8 grant a rural electric cooperative a security interest in
9 any portion of a cable operator's, video service provider's,
10 or broadband provider's communications network or facilities
11 is void as against public policy and wholly unenforceable.

12 3. For purposes of this section, the term "pole
13 attachment" means any attachment by a cable operator or
14 video service provider, as those terms are defined in
15 section 67.2677, or a broadband provider, to a pole, duct,
16 conduit, or right-of-way owned or controlled by a rural
17 electric cooperative under chapter 394.

18 4. The provisions of this section shall apply only to
19 contracts or agreements entered into after the effective
20 date of this section.

21 5. The provisions of this section shall only apply to
22 pole agreements where one or more of the parties have
23 received grants for the installation of broadband
24 infrastructure under federal law or the grant program
25 created in sections 620.2450 to 620.2458.

26 6. An electric cooperative as provided in chapter 394
27 shall not unreasonably delay implementing such agreements.

Section B. Because of the need to extend broadband
2 service to rural areas, section A of this act is deemed
3 necessary for the immediate preservation of the public
4 health, welfare, peace, and safety, and is hereby declared
5 to be an emergency act within the meaning of the
6 constitution, and section A of this act shall be in full
7 force and effect upon its passage and approval.

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