

HOUSE BILL No. 1601

DIGEST OF INTRODUCED BILL

Citations Affected: IC 32-7-7.

Synopsis: Cable operator access to multiple dwelling units. Gives a tenant the right to receive cable service from a cable operator serving a multiple dwelling unit. Provides that wiring furnished by a cable operator, at its expense, in a multiple dwelling unit is the personal property of the cable operator or its assignee. Prohibits and makes unenforceable a restriction, contract provision, or lease provision that impairs the installation, maintenance, or use of an antenna that: (1) is designed to receive direct broadcast satellite service and is one meter or less in diameter; (2) is designed to receive video programming services via multipoint distribution services and is one meter or less in diameter or diagonal measurement; or (3) is designed to receive
(Continued next page)

Effective: July 1, 1999.

Crooks

January 21, 1999, read first time and referred to Committee on Commerce and Economic Development.

C
O
P
Y



Digest Continued

television broadcast signals. Provides that a restriction that is otherwise prohibited is enforceable if it is not more burdensome than necessary to: (1) accomplish a clearly defined safety objective; or (2) preserve an historic building, structure, or location listed or eligible for listing in the National Register of Historic Places.

C
o
p
y



Introduced

First Regular Session 111th General Assembly (1999)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

C
O
P
Y

HOUSE BILL No. 1601

A BILL FOR AN ACT to amend the Indiana Code concerning property.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 32-7-7 IS ADDED TO THE INDIANA CODE AS
2 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 1999]:

4 **Chapter 7. Right of Tenant to Receive Cable Service**
5 **Sec. 1. As used in this chapter, "cable operator" means the**
6 **owner or operator of a cable television system that holds a valid**
7 **franchise from the municipality or county where a multiple**
8 **dwelling unit is located.**

9 **Sec. 2. As used in this chapter, "cable service" has the meaning**
10 **set forth in 47 U.S.C. 522(6).**

11 **Sec. 3. As used in this chapter, "landlord" means the owner,**
12 **lessor, or sublessor of a multiple dwelling unit or the property of**
13 **which the unit is a part or a person authorized to exercise any**
14 **aspect of the management of the premises, including a person who,**
15 **directly or indirectly, acts as a rental agent, or receives rent or a**



1 part of the rent, other than as a bona fide purchaser.

2 **Sec. 4.** As used in this chapter, "multiple dwelling unit" means
3 a structure consisting of five (5) or more dwelling units that are:

- 4 (1) intended or designed to be owned or leased for occupation
5 as individual homes or residences; or
6 (2) actually owned or leased for occupation as individual
7 homes or residences.

8 The term includes an apartment, a condominium, or a mobile
9 home park.

10 **Sec. 5.** As used in this chapter, "tenant" means an individual
11 who occupies a unit in a multiple dwelling unit for residential
12 purposes.

13 **Sec. 6.** As used in this chapter, "person" means an individual, a
14 corporation, an association, a partnership, a governmental entity,
15 a trust, an estate, or any other legal or commercial entity.

16 **Sec. 7.** This chapter does not apply to a multiple dwelling unit
17 if the landlord for the multiple dwelling unit and a cable operator
18 have entered into a written agreement that explicitly grants the
19 landlord the right to terminate the cable operator's right of access
20 to the multiple dwelling unit.

21 **Sec. 8.** A landlord may not prevent a tenant from receiving cable
22 service from a cable operator that:

- 23 (1) was providing cable service to the multiple dwelling unit
24 on January 1, 1999; or
25 (2) begins providing cable service to the multiple dwelling unit
26 after January 1, 1999.

27 **Sec. 9.** Unless a written agreement between a landlord and a
28 cable operator provides otherwise, wiring that is provided and
29 installed by a cable operator, at its expense, inside a multiple
30 dwelling unit is the personal property of the cable operator or its
31 assignee.

32 **Sec. 10. (a)** Except as provided in section 11 of this chapter, a
33 restriction, contract provision, or lease provision concerning a
34 multiple dwelling unit may not impair the installation,
35 maintenance, or use of any of the following:

- 36 (1) An antenna that:
37 (A) is designed to receive direct broadcast satellite service,
38 including direct to home satellite services; and
39 (B) is one (1) meter or less in diameter.
40 (2) An antenna that:
41 (A) is designed to receive video programming services via
42 multiple point distribution services, including multiple



C
O
P
Y

1 channel, multiple point distribution services, instructional
 2 television fixed services, and local multiple point
 3 distribution services; and

4 (B) is one (1) meter or less in diameter or diagonal
 5 measurement.

6 (3) An antenna that is designed to receive television broadcast
 7 signals.

8 (b) A restriction, contract provision, or lease provision that
 9 impairs the installation, maintenance, or use of an antenna
 10 described in subsection (a) is unenforceable to the extent that it
 11 impairs the installation, maintenance, or use of the antenna.

12 Sec. 11. (a) A restriction, contract provision, or lease provision
 13 otherwise prohibited under section 10 of this chapter is enforceable
 14 if:

15 (1) the restriction or provision:

16 (A) is necessary to accomplish a clearly defined safety
 17 objective that is described as the purpose of the restriction
 18 or provision in a document that is readily available to
 19 antenna users; and

20 (B) is applied to the extent practicable in a
 21 nondiscriminatory manner to other appurtenances,
 22 devices, or fixtures that are comparable in size, weight, and
 23 appearance to the antenna; or

24 (2) the restriction or provision:

25 (A) is necessary to preserve an historic building, structure,
 26 or location listed or eligible for listing in the National
 27 Register of Historic Places, as set forth in the National
 28 Historic Preservation Act of 1966, as amended,
 29 16 U.S.C. 470(a); and

30 (B) imposes no greater restrictions on the antenna than are
 31 imposed on the installation, maintenance, or use of other
 32 modern appurtenances, devices, or fixtures that are
 33 comparable in size, weight, and appearance to the antenna.

34 (b) A restriction, contract provision, or lease provision that is
 35 enforceable under subsection (a) may not be more burdensome to
 36 affected antenna users than is necessary to achieve the objectives
 37 described in subsection (a).

C
O
P
Y

