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HB 1308/96 - ECM

1997 Regular Session
7r2459
CF 7r1360

By: Senators Hafer, Young, Stone, Craig, and Collins

Introduced and read first time: January 31, 1997

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Multichannel Video Programming Subscribers - Continued Access to Services**

3 FOR the purpose of authorizing certain subscribers to continue to receive certain
4 multichannel video programming services notwithstanding any agreements to the
5 contrary between certain persons and different multichannel video programming
6 distributors; providing that certain persons may not interfere with the continued
7 provision of certain multichannel video programming services; providing for
8 compensation for physical damages; defining certain terms; and generally relating to
9 multichannel video programming services.

10 BY adding to

11 Article - Commercial Law
12 Section 14-1315
13 Annotated Code of Maryland
14 (1990 Replacement Volume and 1996 Supplement)

15 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
16 MARYLAND, That the Laws of Maryland read as follows:

17 **Article - Commercial Law**

18 14-1315.

19 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
20 INDICATED.

21 (2) (I) "MULTICHANNEL VIDEO PROGRAMMING DISTRIBUTOR"
22 MEANS ANY PERSON THAT MAKES AVAILABLE FOR PURCHASE BY SUBSCRIBERS OR
23 CUSTOMERS MULTIPLE CHANNELS OF VIDEO PROGRAMMING.

24 (II) "MULTICHANNEL VIDEO PROGRAMMING DISTRIBUTOR"
25 INCLUDES:

- 26 1. A CABLE OPERATOR;
- 27 2. A TELEPHONE COMPANY;
- 28 3. A MULTICHANNEL OR MULTIPOINT DISTRIBUTION
29 SERVICE;

2

1 4. A DIRECT BROADCAST SATELLITE SERVICE; OR

2 5. A TELEVISION RECEIVE-ONLY SATELLITE PROGRAM
3 DISTRIBUTOR.

4 (3) "SUBSCRIBER" MEANS A PERSON THAT RECEIVES SERVICES FROM:

5 (I) A MULTICHANNEL VIDEO PROGRAMMING DISTRIBUTOR; OR

6 (II) A PERSON THAT DELIVERS SERVICES OVER A NETWORK
7 OWNED, OPERATED, OR CONTROLLED BY A MULTICHANNEL VIDEO PROGRAMMING
8 DISTRIBUTOR.

9 (B) A SUBSCRIBER OR TENANT THAT RESIDES IN A MULTIPLE DWELLING
10 UNIT OF FIVE OR MORE UNITS THAT IS SITUATED ON ONE PARCEL OF PROPERTY
11 FOR WHICH MULTICHANNEL VIDEO PROGRAMMING SERVICE HAS BEEN PROVIDED
12 MAY CONTINUE TO REQUEST AND RECEIVE THAT MULTICHANNEL VIDEO
13 PROGRAMMING SERVICE NOTWITHSTANDING ANY AGREEMENT TO THE CONTRARY
14 BETWEEN A DIFFERENT MULTICHANNEL VIDEO PROGRAMMING DISTRIBUTOR AND
15 THE OWNER OF THE PROPERTY.

16 (C) AN OWNER OR THE OWNER'S AGENT MAY NOT INTERFERE WITH THE
17 CONTINUED PROVISION OF MULTICHANNEL VIDEO PROGRAMMING SERVICES
18 UNDER THIS SECTION.

19 (D) A MULTICHANNEL VIDEO PROGRAMMING DISTRIBUTOR SHALL BE
20 LIABLE TO THE LANDLORD FOR ANY PHYSICAL DAMAGE CAUSED BY THE
21 INSTALLATION, OPERATION OR REMOVAL OF MULTICHANNEL VIDEO
22 PROGRAMMING SERVICES. A LANDLORD MAY REQUIRE THAT THE INSTALLATION
23 OF MULTICHANNEL VIDEO PROGRAMMING SERVICES CONFORM TO SUCH
24 REASONABLE CONDITIONS AS ARE NECESSARY TO PROTECT THE SAFETY,
25 FUNCTIONING AND APPEARANCE OF THE PREMISES, AND THE CONVENIENCE AND
26 WELL-BEING OF TENANTS.

27 SECTION 2. AND BE IT FURTHER ENACTED, That the provisions of this Act
28 may not be construed to apply to any contracts or agreements entered into between a
29 multichannel video programming distributor and a property owner on or before June 30,
30 1997.

31 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
32 July 1, 1997.