

HOUSE BILL 1310

N1

9lr3198
CF SB 720

By: **Delegates Mautz, Arentz, Ghrist, Jacobs, Krimm, and Otto**

Introduced and read first time: February 14, 2019

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Real Property – Fiber Deployment – Broadband Services**

3 FOR the purpose of establishing the damages to be awarded for a certain taking of land or
4 an interest in land subject to a certain easement, where that easement is being used
5 for providing broadband telecommunication services; requiring certain damages to
6 be computed at a certain time; prohibiting certain damages from accruing;
7 prohibiting certain evidence of revenues or profits from being used for certain
8 purposes; making a stylistic change; and generally relating to eminent domain and
9 broadband telecommunication services.

10 BY repealing and reenacting, without amendments,
11 Article – Real Property
12 Section 12–104(a)
13 Annotated Code of Maryland
14 (2015 Replacement Volume and 2018 Supplement)

15 BY repealing and reenacting, with amendments,
16 Article – Real Property
17 Section 12–104(b)
18 Annotated Code of Maryland
19 (2015 Replacement Volume and 2018 Supplement)

20 BY adding to
21 Article – Real Property
22 Section 12–104(h)
23 Annotated Code of Maryland
24 (2015 Replacement Volume and 2018 Supplement)

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Article – Real Property

12–104.

(a) The damages to be awarded for the taking of land is its fair market value.

(b) (1) The damages to be awarded where land, or any part of it, is taken is the fair market value of the part taken, but not less than the actual value of the part taken plus any severance or resulting damages to the remaining land by reason of the taking and of future use by the plaintiff of the part taken.

(2) The severance or resulting damages shall be diminished to the extent of the value of the special (particular) benefits to the remainder arising from the plaintiff's future use of the part taken.

(H) (1) THE DAMAGES TO BE AWARDED FOR THE TAKING OF LAND OR AN INTEREST IN LAND SUBJECT TO A UTILITY EASEMENT, WHERE THAT EASEMENT IS BEING USED FOR PROVIDING BROADBAND TELECOMMUNICATION SERVICES, SHALL BE AS PROVIDED IN THIS SUBSECTION.

(2) IF TELECOMMUNICATIONS EQUIPMENT HAS ALREADY BEEN INSTALLED ON OR UNDER THE LAND, THE DAMAGES TO BE AWARDED FOR ANY NEW INSTALLATION OR ATTACHMENT RELATED TO THE PROVISION OF BROADBAND TELECOMMUNICATION SERVICES SHALL BE THE VALUE OF THE INCREASED INTERFERENCE, IF ANY, TO THE PLAINTIFF'S USE AND ENJOYMENT OF THE REMAINING LAND BY REASON OF THE ADDITIONAL INSTALLATION OR ATTACHMENT.

(3) IF TELECOMMUNICATIONS EQUIPMENT HAS NOT ALREADY BEEN INSTALLED ON OR UNDER THE LAND, THE DAMAGES TO BE AWARDED FOR AN INSTALLATION OR ATTACHMENT RELATED TO THE PROVISION OF BROADBAND TELECOMMUNICATION SERVICES SHALL BE AS PROVIDED IN SUBSECTION (B) OF THIS SECTION.

(4) DAMAGES UNDER THIS SUBSECTION SHALL BE COMPUTED AT THE TIME OF TAKING AND SHALL NOT ACCRUE OVER TIME.

(5) EVIDENCE OF REVENUES OR PROFITS DERIVED BY A UTILITY FROM PROVIDING BROADBAND SERVICES IS NOT ADMISSIBLE FOR ANY PURPOSE UNDER THIS SUBSECTION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.