

## Session 123 - (2019-2020)

**H\*4262 (Rat #0190, Act #0179 of 2020) General Bill, By Simrill, Rutherford, Sandifer, Forrester, West, Jefferson, R. Williams, Anderson, Weeks, G.R. Smith, S. Williams and Gilliard**

**Similar (S 0638)**

**Summary:** Small Wireless Facilities Deployment Act

AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 5 TO CHAPTER 11, TITLE 58 SO AS TO, AMONG OTHER THINGS, ENACT THE "SOUTH CAROLINA SMALL WIRELESS FACILITIES DEPLOYMENT ACT"; TO MAKE LEGISLATIVE FINDINGS; TO DEFINE RELEVANT TERMS; TO MAKE PROVISIONS FOR CERTAIN AGREEMENTS OR ENACTMENTS ADDRESSING THE DEPLOYMENT OF SMALL WIRELESS FACILITIES ENTERED INTO PRIOR TO THE EFFECTIVE DATE OF THIS ACT; TO PROVIDE, AMONG OTHER THINGS, GUIDELINES AND PROCEDURES TO UNITS OF LOCAL GOVERNMENT REGARDING ENACTMENTS ADDRESSING DECORATIVE POLES, UNDERGROUND DISTRICTS, DESIGN DISTRICTS, AND HISTORIC DISTRICTS; TO AFFIRM THE POWERS OF UNITS OF LOCAL GOVERNMENT WITH RESPECT TO WIRELESS FACILITIES THAT ARE NOT SMALL WIRELESS FACILITIES LOCATED WITHIN RIGHTS OF WAY; TO PROVIDE, AMONG OTHER THINGS, GUIDELINES AND PROCEDURES TO WIRELESS PROVIDERS AND UNITS OF LOCAL GOVERNMENT WITH CONTROL OVER RIGHTS OF WAY REGARDING THE COLLOCATION OF CERTAIN SMALL WIRELESS FACILITIES WITHIN RIGHTS OF WAY; TO MAKE PROVISIONS FOR APPLICATIONS, FEES, APPLICATION REVIEW, AND THE ISSUANCE OF PERMITS FOR THE COLLOCATION OF SMALL WIRELESS FACILITIES; TO REQUIRE THAT APPLICATIONS TO COLLOCATE SMALL WIRELESS FACILITIES PURSUANT TO THIS ARTICLE MUST BE PROCESSED ON A NONDISCRIMINATORY BASIS; TO ENUMERATE THE CONDITIONS UNDER WHICH A UNIT OF LOCAL GOVERNMENT MAY DENY AN APPLICANT'S PROPOSED COLLOCATION OF A SMALL WIRELESS FACILITY, AND TO PROVIDE THAT SUBJECT TO THE ABILITY OF A UNIT OF LOCAL GOVERNMENT TO DENY AN APPLICATION, THE COLLOCATION OF SMALL WIRELESS FACILITIES MUST BE ALLOWED ON NONDISCRIMINATORY TERMS AND CONDITIONS; TO PROVIDE THAT THE ADMINISTRATIVE LAW COURT HAS CONTESTED CASE JURISDICTION TO DETERMINE ALL DISPUTES ARISING UNDER THIS ACT; AND TO PROHIBIT A UNIT OF LOCAL GOVERNMENT FROM REQUIRING A WIRELESS PROVIDER TO INDEMNIFY AND HOLD THE AUTHORITY AND ITS OFFICERS AND EMPLOYEES HARMLESS AGAINST ANY CLAIMS, LAWSUITS, JUDGMENTS, COSTS, LIENS, LOSSES, EXPENSES, OR FEES, EXCEPT WHEN A COURT OF COMPETENT JURISDICTION HAS FOUND THAT THE NEGLIGENCE OF THE WIRELESS PROVIDER WHILE INSTALLING, REPAIRING, OR MAINTAINING FACILITIES, POLES, OR SUPPORT STRUCTURES PURSUANT TO THIS ACT CAUSED THE HARM THAT CREATED SUCH CLAIMS, LAWSUITS, JUDGMENTS, COSTS, LIENS, LOSSES, EXPENSES, OR FEES. - ratified title

|          |        |  |
|----------|--------|--|
| 03/19/19 | House  | Introduced and read first time (House Journal-page 39)   |
| 03/19/19 | House  | Referred to Committee on Labor, Commerce and Industry (House Journal-page 39)  |
| 03/20/19 | House  | Member(s) request name added as sponsor: West  |
| 03/21/19 | House  | Member(s) request name added as sponsor: Jefferson, R.Williams   |
| 03/26/19 | House  | Member(s) request name added as sponsor: Anderson  |
| 03/26/19 | House  | Committee report: Favorable with amendment Labor, Commerce and Industry (House Journal-page 40)  |
| 03/27/19 | House  | Member(s) request name added as sponsor: Weeks   |
| 03/27/19 | House  | Requests for debate-Rep(s). Sandifer, G.M. Smith, Hiott, Clary, Felder, Stavrinakis, Fry, Crawford, Anderson, Simrill, Rose, Thayer, West, Alexander (House Journal-page 60) |
| 03/27/19 |        | Scrivener's error corrected  |
| 03/28/19 | House  | Member(s) request name added as sponsor: G.R.Smith, S.Williams   |
| 04/03/19 | House  | Member(s) request name added as sponsor: Gilliard  |
| 04/03/19 | House  | Amended (House Journal-page 70)  |
| 04/03/19 | House  | Read second time (House Journal-page 70)   |
| 04/03/19 | House  | Roll call Yeas-108 Nays-2 (House Journal-page 131)   |
| 04/04/19 | House  | Read third time and sent to Senate (House Journal-page 40)   |
| 04/04/19 | Senate | Introduced and read first time (Senate Journal-page 4)   |
| 04/04/19 | Senate | Referred to Committee on Judiciary (Senate Journal-page 4)   |
| 04/04/19 |        | Scrivener's error corrected  |
| 04/10/19 | Senate | Referred to Subcommittee: Gambrell (ch), Hutto, Massey, Sabb, Climer   |
| 01/28/20 | Senate | Referred to Subcommittee: Gambrell (ch), Hutto, Goldfinch, Sabb, Climer  |
| 09/23/20 | Senate | Recalled from Committee on Judiciary (Senate Journal-page 24)  |

|          |        |  |
|----------|--------|--|
| 09/23/20 | Senate | Amended (Senate Journal-page 24)   |
| 09/23/20 | Senate | Read second time (Senate Journal-page 24)  |
| 09/23/20 | Senate | Roll call Ayes-32 Nays-6 (Senate Journal-page 24)                                    |
| 09/23/20 | Senate | Unanimous consent for third reading on next legislative day (Senate Journal-page 24) |
| 09/24/20 | Senate | Read third time and returned to House with amendments (Senate Journal-page 4)        |
| 09/24/20 | House  | Concurred in Senate amendment and enrolled   |
| 09/24/20 | House  | Roll call Yeas-104 Nays-1  |
| 09/25/20 |        | Ratified R 190   |
| 09/29/20 |        | Signed By Governor   |
| 10/07/20 |        | Effective date 09/29/20  |
| 10/07/20 |        | Act No. 179  |