

# HOUSE BILL 1201

C2, I4

1lr2574

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By: **Delegate Costa**

Introduced and read first time: February 17, 2011

Assigned to: Rules and Executive Nominations

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## A BILL ENTITLED

1 AN ACT concerning

2 **Broadband Service Providers – Universal Access – Time Requirements**

3 FOR the purpose of requiring certain broadband service providers that provide  
4 broadband service in a county to make the service available in all areas of the  
5 county by a certain date; requiring certain broadband service providers to make  
6 broadband service available in all areas of a political subdivision of the State by  
7 a certain date if the service is available to more than a certain percentage of  
8 addresses in the political subdivision on a certain date; authorizing the Attorney  
9 General to adopt regulations to carry out this Act; authorizing the Attorney  
10 General to initiate a civil action against a broadband service provider that  
11 violates this Act or regulations adopted under this Act to recover a penalty not  
12 to exceed a certain amount; defining certain terms; and generally relating to  
13 broadband service providers and the deployment of broadband service.

14 BY adding to

15 Article – Business Regulation

16 Section 19–701 through 19–704 to be under the new subtitle “Subtitle 7.

17 Broadband Service Providers”

18 Annotated Code of Maryland

19 (2010 Replacement Volume and 2010 Supplement)

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

22 **Article – Business Regulation**

23 **SUBTITLE 7. BROADBAND SERVICE PROVIDERS.**

24 **19–701.**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1           (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS  
2 INDICATED.

3           (B) “BROADBAND SERVICE” MEANS INTERNET SERVICE PROVIDED  
4 OVER A BROADBAND WIRE OR FIBER TECHNOLOGY THAT PROVIDES DATA  
5 TRANSMISSION SPEEDS OF MORE THAN 768 KILOBITS PER SECOND IN AT LEAST  
6 ONE DIRECTION.

7           (C) “BROADBAND SERVICE PROVIDER” MEANS A PERSON THAT OWNS  
8 OR CONTROLS THE BROADBAND WIRE OR FIBER TECHNOLOGY USED TO  
9 PROVIDE BROADBAND SERVICE.

10           (D) “BROADBAND WIRE OR FIBER TECHNOLOGY” INCLUDES:

11                   (1) DIGITAL SUBSCRIBER LINE (DSL);

12                   (2) CABLE MODEM;

13                   (3) FIBER OPTICS; AND

14                   (4) BROADBAND OVER POWER LINE (BPL).

15           (E) “POLITICAL SUBDIVISION” MEANS A COUNTY OR MUNICIPAL  
16 CORPORATION.

17 **19-702.**

18           (A) A BROADBAND SERVICE PROVIDER THAT PROVIDES BROADBAND  
19 SERVICE IN A COUNTY SHALL MAKE ITS BROADBAND SERVICE AVAILABLE IN ALL  
20 AREAS OF THE COUNTY BY THE LATER OF:

21                   (1) OCTOBER 1, 2016; OR

22                   (2) 5 YEARS AFTER THE DATE ON WHICH THE BROADBAND  
23 SERVICE PROVIDER FIRST OFFERED BROADBAND SERVICE IN THE COUNTY.

24           (B) NOTWITHSTANDING SUBSECTION (A) OF THIS SECTION, IF A  
25 BROADBAND SERVICE PROVIDER’S BROADBAND SERVICE IS AVAILABLE TO  
26 MORE THAN 50% OF THE ADDRESSES IN A POLITICAL SUBDIVISION ON  
27 OCTOBER 1, 2011, THE BROADBAND SERVICE PROVIDER SHALL MAKE ITS  
28 BROADBAND SERVICE AVAILABLE IN ALL AREAS OF THE POLITICAL  
29 SUBDIVISION BY OCTOBER 1, 2013.

30 **19-703.**

1           **THE ATTORNEY GENERAL MAY ADOPT REGULATIONS TO CARRY OUT THIS**  
2 **SUBTITLE.**

3 **19-704.**

4           **THE ATTORNEY GENERAL MAY INITIATE A CIVIL ACTION AGAINST A**  
5 **BROADBAND SERVICE PROVIDER TO RECOVER FOR THE STATE A PENALTY NOT**  
6 **TO EXCEED \$10,000 FOR EACH MONTH THE BROADBAND SERVICE PROVIDER IS**  
7 **IN VIOLATION OF THIS SUBTITLE OR REGULATIONS ADOPTED UNDER THIS**  
8 **SUBTITLE.**

9           **SECTION 2. AND BE IT FURTHER ENACTED,** That this Act shall take effect  
10 **October 1, 2011.**