

ASSEMBLY BILL NO. 105—ASSEMBLYMAN WATTS

PREFILED FEBRUARY 1, 2023

Referred to Committee on Growth and Infrastructure

SUMMARY—Revises provisions related to broadband Internet. (BDR 10-712)

FISCAL NOTE: Effect on Local Government: No. Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to property; authorizing a broadband service provider to access and use certain easements, public rights-of-way and other property rights; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law establishes provisions governing certain property rights and the
2 conveyance of such rights. (Chapter 111 of NRS) This bill authorizes a broadband
3 service provider to access and use a nonexclusive easement, public right-of-way or
4 other property right granted to a public utility or a video service provider to install,
5 maintain and operate equipment and facilities related to providing access to
6 broadband Internet service if: (1) the broadband service provider is licensed or
7 authorized to access a public right-of-way by a county, city or town; (2) the use of
8 the easement by the broadband service provider does not materially affect the
9 property interests of the property owner; and (3) the use of the easement by the
10 broadband service provider does not materially affect the existing access and use of
11 the easement by a public utility, a video service provider or other broadband service
12 provider. This bill also defines certain terms relevant to broadband service
13 providers.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** Chapter 111 of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 *1. A broadband service provider may access and use any*
4 *nonexclusive easement, right-of-way or other property right*



1 *granted to or used by a public utility or a video service provider in*
2 *order to install, maintain and operate equipment and facilities if:*

3 (a) *The broadband service provider is licensed or authorized to*
4 *access and use a public right-of-way by a county, city or town;*

5 (b) *The use of the easement, right-of-way or other property*
6 *right by the broadband service provider does not materially affect*
7 *the property interest of the property owner; and*

8 (c) *The use of the easement, right-of-way or other property*
9 *right by the broadband service provider does not materially affect*
10 *the existing access and use of the easement by a public utility,*
11 *video service provider or other broadband service provider.*

12 2. *As used in this section:*

13 (a) *“Broadband service provider” means any person that*
14 *provides or offers to provide broadband Internet service that is not*
15 *a public utility and not a video service provider.*

16 (b) *“Equipment and facilities” means wires, cables, conduits,*
17 *ducts, vaults, materials, equipment or any other facilities used to*
18 *provide broadband Internet access.*

19 (c) *“Public utility” has the meaning ascribed to it in*
20 *NRS 704.020.*

21 (d) *“Video service provider” has the meaning ascribed to it in*
22 *NRS 711.151.*

23 **Sec. 2.** This act becomes effective on July 1, 2023.

