

1 State of Arkansas  
2 94th General Assembly  
3 Regular Session, 2023  
4

As Engrossed: H2/14/23

# A Bill

HOUSE BILL 1338

5 By: Representative B. McKenzie  
6 By: Senator J. Bryant  
7

## For An Act To Be Entitled

9 AN ACT TO AMEND THE ARKANSAS VIDEO SERVICE ACT; TO  
10 PROVIDE CLARITY CONCERNING THE USE OF A PUBLIC RIGHT  
11 OF WAY; AND FOR OTHER PURPOSES.  
12  
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### Subtitle

15 TO AMEND THE ARKANSAS VIDEO SERVICE ACT;  
16 AND TO PROVIDE CLARITY CONCERNING THE USE  
17 OF A PUBLIC RIGHT OF WAY.  
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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22 *SECTION 1. Arkansas Code § 23-19-202(15), concerning the definition of*  
23 *"video service" used under the Arkansas Video Service Act, is amended to read*  
24 *as follows:*

25 *(15)(A) "Video service" means the delivery of video programming*  
26 *by a video service provider to subscribers in which:*

27 *(i) The video programming is generally considered*  
28 *comparable to video programming delivered to viewers by a television*  
29 *broadcast station, cable service, or digital television service, without*  
30 *regard to the technology used to deliver the video service, including*  
31 *~~Internet~~ internet protocol technologies; and*

32 *(ii) The service is provided primarily through*  
33 *equipment or facilities owned, controlled, constructed, or operated by the*  
34 *video service provider and located in whole or in part in, on, under, or over*  
35 *any public right-of-way.*

36 *(B) "Video service" includes cable service and video*



1 service delivered by a community antenna television system ~~but~~.

2 (C) "Video service" excludes video programming:

3 (i) Provided to persons:

4 (a) ~~in~~ In their capacity as subscribers to  
5 commercial mobile service as defined in 47 U.S.C. § 332(d), as it existed on  
6 January 1, 2013; or

7 (b) By means of direct-to-home satellite  
8 services as defined in 47 U.S.C. § 303(v), as it existed on January 1, 2023,  
9 that are transmitted from a satellite directly to a customer's premises  
10 without using or accessing any portion of the public right-of-way; or

11 (ii) ~~Provided as part of and~~ Accessed via a service  
12 that enables end users to access content, information, electronic mail, or  
13 other services offered over the public ~~Internet~~ internet, including streaming  
14 content;

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16 /s/B. McKenzie

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19 **APPROVED: 3/16/23**  
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