

By Mr. Correia of Fall River, petition of Robert Correia for legislation to further define cable television. Government Regulations.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Ninety-Two.

AN ACT FURTHER DEFINING CABLE TELEVISION.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 166A of the General Laws is hereby
2 amended by striking out section 22 as appearing in the 1988
3 Official Edition, and inserting in place thereof the following
4 section: —

5 Section 22. No operator shall enter into any agreement with
6 persons owning, leasing, controlling or managing buildings served
7 by a CATV system, or perform any act that would directly or
8 indirectly diminish or interfere with existing rights of any tenant
9 or other occupant of such a building to use of master or individual
10 antenna equipment.

11 An operator who affixes, or causes to be affixed, CATV system
12 facilities to the dwelling of a tenant shall do so at no cost to the
13 landlord of such dwelling, shall indemnify the landlord of such
14 dwelling for any damage arising out of such actions, and shall not
15 interfere with the safety, functioning, appearance or use of such
16 dwelling.

17 The consent required by section thirty-five of chapter one
18 hundred and sixty-six shall be deemed to have been granted to
19 an operator upon his delivery to the owner or lawful agent of the
20 owner of property upon which he proposes to affix CATV system
21 facilities of a copy of this section, and a signed statement that he
22 agrees to be bound by the terms of this section.

23 An owner of property, or his lawful agent, may sue in contract
24 to enforce the provisions of an operator's agreement under this
25 section.

26 No person owning, leasing, controlling or managing a multiple
27 dwelling unit or units served by a CATV system shall discriminate
28 in rental or other charges between tenants who subscribe to such
29 CATV services, and those who do not; provided, however, that
30 the owner of such real estate may require reasonable compensa-
31 tion in exchange for permitting the installation of CATV system
32 equipment within and upon such real estate to be paid by an
33 operator, any taking and said compensation shall be determined
34 in accordance with the provisions of chapter seventy-nine.

35 No person owning, leasing, controlling, or managing a multiple
36 dwelling unit or units shall prohibit or otherwise prevent an
37 operator from entering such buildings for the purpose of
38 constructing, installing or servicing CATV system facilities if one
39 or more tenants or occupants of a multiple dwelling unit or units
40 have requested such CATV services. A cable television operator
41 shall not make an installation in an individual dwelling unit unless
42 permission has been given by the tenant occupying said unit.

43 An owner whose property is injuriously affected or diminished
44 in value by occupation of the ground or of the air, or otherwise
45 by such construction of CATV system facilities may recover
46 damages therefor from the operator under chapter seventy-nine.
47 Neither the assertion of specific claim, nor the initiation of legal
48 action to enforce such claim, shall delay or impair the right of
49 an operator to construct, install or repair CATV system facilities
50 and maintain said CATV services. The superior court shall have
51 exclusive original jurisdiction of all actions seeking injunctive
52 relief to permit the construction, installation or repair of CATV
53 system facilities.

54 A cable television operator shall indemnify the landlord for any
55 damage caused by the installation, operation or removal of cable
56 television facilities. An owner of property may require that the
57 installation of cable television facilities conform to such
58 reasonable conditions as are necessary to protect the safety,
59 functioning and appearance of the premises, and the convenience
60 and well being of other tenants.

1 SECTION 2. Said Chapter 166A of the General Laws is hereby
2 further amended by striking out the words "sixteen and twenty-
3 two" as appearing in section 19 of the 1988 Official Edition and
4 inserting in place thereof the words: — "and sixteen".