

By: Burton

S.B. No. 1538

A BILL TO BE ENTITLED

AN ACT

relating to exclusivity agreements between telecommunications services providers and property owners.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Title 4, Business & Commerce Code, is amended by adding Chapter 59 to read as follows:

CHAPTER 59. TELECOMMUNICATIONS SERVICES AGREEMENTS

Sec. 59.001. DEFINITIONS. In this chapter:

(1) "Property owner" includes a property owners' association.

(2) "Telecommunications service" means access to the use of telecommunications services technology.

(3) "Telecommunications services technology" means a device and any auxiliary equipment by which a person may receive or transmit writing, signs, sounds, images, or information in the form of signals or impulses by optical, electrical, electromagnetic, or other means.

Sec. 59.002. CERTAIN EXCLUSIVITY AGREEMENTS PROHIBITED.

(a) This section applies to a contract between a telecommunications services provider and a property owner for the provision of:

(1) a telecommunications service to residents or occupants of the property; or

(2) telecommunications services technology for the property.

1        (b) A contract to which this section applies may not contain  
2 an exclusivity agreement that would prohibit the property owner  
3 from, or penalize the property owner for, contracting with another  
4 telecommunications services provider for the provision of:

5            (1) a different type of telecommunications service to  
6 residents or occupants of the property; or

7            (2) a different type of telecommunications services  
8 technology for the property.

9        (c) A contract provision that violates this section is void.

10        SECTION 2. The change in law made by this Act applies only  
11 to a contract entered into or renewed on or after the effective date  
12 of this Act. A contract entered into or renewed before the effective  
13 date of this Act is governed by the law applicable to the contract  
14 immediately before that date, and that law is continued in effect  
15 for that purpose.

16        SECTION 3. This Act takes effect September 1, 2015.