

Act No. 360  
Public Acts of 2020  
Approved by the Governor  
December 30, 2020  
Filed with the Secretary of State  
December 30, 2020  
EFFECTIVE DATE: December 30, 2020

**STATE OF MICHIGAN  
100TH LEGISLATURE  
REGULAR SESSION OF 2020**

Introduced by Senator Lauwers

**ENROLLED SENATE BILL No. 1256**

AN ACT to amend 2018 PA 365, entitled “An act to provide for the regulation by state or local government authorities and municipally owned electric utilities of the activities of wireless infrastructure providers and wireless services providers and of wireless facilities, wireless support structures, and utility poles; to regulate rates and fees concerning wireless facilities, wireless support structures, communications service provider pole attachments, and utility poles charged by state or local government authorities and municipally owned electric utilities; to provide for collocation of wireless facilities and of communications service provider pole attachments; to provide for use of public rights-of-way; to regulate certain permitting processes and zoning reviews; to prohibit certain commercially discriminatory actions by state or local government authorities and municipally owned electric utilities; to prohibit state and local government authorities from entering into exclusive arrangements with any person for the right to attach to certain utility poles; to authorize indemnification and insurance requirements; to authorize certain bonding requirements; and to provide for charges for electricity to operate

small cell wireless facilities,” by amending sections 3 and 5 (MCL 460.1303 and 460.1305).

*The People of the State of Michigan enact:*

Sec. 3. As used in this act:

(a) “Affiliated transmission company” means that term as defined in section 2 of the electric transmission line certification act, 1995 PA 30, MCL 460.562.

(b) “Antenna” means communications equipment that transmits or receives electromagnetic radio frequency signals used in the provision of wireless services.

(c) “Applicable codes” means uniform building, fire, electrical, plumbing, or mechanical codes adopted under the Stille-DeRossett-Hale single state construction code act, 1972 PA 230, MCL 125.1501 to 125.1531, or adopted by the United States Occupational Safety and Health Administration or by a state or national code organization, including, but not limited to, the “National Electrical Safety Code” published by the Institute of Electrical and Electronics Engineers.

(d) “Applicant” means a wireless provider that submits an application described in this act.

(e) “Attaching entity” means a public or private party or entity, other than the municipally owned electric utility, that, pursuant to an agreement with the municipally owned electric utility, places a wire or cable attachment on a nonauthority pole or related infrastructure within the communication space. Attaching entity includes, but is not limited to, both of the following:

(i) A telecommunication provider as that term is defined in section 2 of the metropolitan extension telecommunications rights-of-way oversight act, 2002 PA 48, MCL 484.3102.

(ii) A video service provider as that term is defined in section 1 of the uniform video services local franchise act, 2006 PA 480, MCL 484.3301.

(f) “Authority”, unless the context implies otherwise, means this state, a county road commission, or a county, township, city, village, district, or subdivision thereof if authorized by law to make legislative, quasi-judicial, or administrative decisions concerning an application described in this act. Authority does not include any of the following:

(i) A municipally owned electric utility.

(ii) An investor-owned utility whose rates are regulated by the MPSC.

(iii) A state court having jurisdiction over an authority.

(g) “Authority pole” means a utility pole owned or operated by an authority and located in the ROW.

Sec. 5. As used in this act:

(a) “Colocate” means to install, mount, maintain, modify, operate, or replace wireless facilities on or adjacent to a wireless support structure or utility pole. “Collocation” has a corresponding meaning. Colocate does not include make-ready work or the installation of a new utility pole or new wireless support structure.

(b) “Communications facility” means the set of equipment and network components, including wires, cables, antennas, and associated facilities, used by a communications service provider to provide communications service.

(c) “Communication space” means that term as defined in the “National Electric Safety Code” published by the Institute of Electrical and Electronics Engineers.

(d) “Communications service” means service provided over a communications facility, including cable service as defined in 47 USC 522, information service as defined in 47 USC 153, telecommunications service as defined in 47 USC 153, or wireless service.

(e) “Communications service provider” means any entity that provides communications services.

(f) “County road commission” means that term as defined in section 19b of 1909 PA 283, MCL 224.19b.

(g) “FCC” means the Federal Communications Commission.

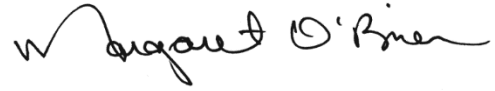
(h) “Fee” means a nonrecurring charge for services.

(i) “Historic district” means a historic district established under section 3 of the local historic districts act, 1970 PA 169, MCL 399.203, or a group of buildings, properties, or sites that are either listed in the National Register of Historic Places or formally determined eligible for listing by the Keeper of the National Register, the individual who has been delegated the authority by the federal agency to list properties and determine their eligibility for the National Register, in accordance with Section VI.D.1.a.i-v of the Nationwide Programmatic Agreement

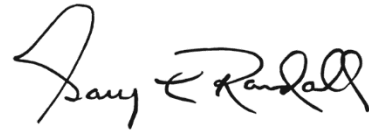
codified at 47 CFR part 1, appendix C.

(j) "Independent transmission company" means that term as defined in section 2 of the electric transmission line certification act, 1995 PA 30, MCL 460.562.

This act is ordered to take immediate effect.



Secretary of the Senate



Clerk of the House of Representatives

Approved \_\_\_\_\_

\_\_\_\_\_  
Governor