**South Carolina General Assembly**

125th Session, 2023-2024

**A104, R105, H3782**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. West, Yow, Jefferson, Ligon, Nutt, Anderson, Hardee, Bannister, Thayer, Blackwell and Oremus

Document Path: LC-0042HA23.docx

Introduced in the House on January 24, 2023

Introduced in the Senate on March 30, 2023

Last Amended on January 16, 2024

Currently residing in the House

Governor's Action: February 5, 2024, Signed

Summary: Certificate of Franchise Authority - Video Service definition

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 1/24/2023 House Introduced and read first time (House Journal‑page 30)

 1/24/2023 House Referred to Committee on **Labor, Commerce and Industry** (House Journal‑page 30)

 3/28/2023 House Committee report: Favorable with amendment **Labor, Commerce and Industry** (House Journal‑page 12)

 3/29/2023 House Member(s) request name added as sponsor:
 Blackwell, Oremus

 3/29/2023 House Amended (House Journal‑page 17)

 3/29/2023 House Read second time (House Journal‑page 17)

 3/29/2023 House Roll call Yeas-104 Nays-0 (House Journal‑page 19)

 3/30/2023 House Read third time and sent to Senate (House Journal‑page 31)

 3/30/2023 Scrivener's error corrected

 3/30/2023 Senate Introduced and read first time (Senate Journal‑page 8)

 3/30/2023 Senate Referred to Committee on **Judiciary** (Senate Journal‑page 8)

 5/3/2023 Senate Referred to Subcommittee: Hutto (ch), Matthews,
 Rice, Senn, Adams

 5/10/2023 Senate Recalled from Committee on **Judiciary** (Senate Journal‑page 3)

 1/16/2024 Senate Amended (Senate Journal‑page 9)

 1/17/2024 Senate Read second time (Senate Journal‑page 14)

 1/17/2024 Senate Roll call Ayes-43 Nays-0 (Senate Journal‑page 14)

 1/17/2024 Scrivener's error corrected

 1/18/2024 Senate Read third time and returned to House with amendments (Senate Journal‑page 11)

 1/24/2024 House Concurred in Senate amendment and enrolled (House Journal‑page 28)

 1/24/2024 House Roll call Yeas-115 Nays-0 (House Journal‑page 29)

 1/30/2024 Ratified R 105

 2/5/2024 Signed By Governor

 2/9/2024 Effective date 02/05/24

 2/9/2024 Act No. 104

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**VERSIONS OF THIS BILL**

[01/24/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/3782_20230124.docx)

[03/28/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/3782_20230328.docx)

[03/29/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/3782_20230329.docx)

[03/30/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/3782_20230330.docx)

[05/10/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/3782_20230510.docx)

[01/16/2024](https://www.scstatehouse.gov/sess125_2023-2024/prever/3782_20240116.docx)

[01/17/2024](https://www.scstatehouse.gov/sess125_2023-2024/prever/3782_20240117.docx)

(A104, R105, H3782)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 58‑12‑300, RELATING TO DEFINITIONS, SO AS TO AMEND THE DEFINITION OF “CABLE SERVICE” AND “VIDEO SERVICE”; AND BY AMENDING SECTION 58‑9‑2200, RELATING TO DEFINITIONS, SO AS TO AMEND THE DEFINITION OF "RETAIL TELECOMMUNICATIONS SERVICE".

Be it enacted by the General Assembly of the State of South Carolina:

Definitions

SECTION 1. Section 58‑12‑300(1), (6)(h), and (10) of the S.C. Code is amended to read:

 (1)(a) “Cable service” is defined as set forth in 47 U.S.C. Section 522(6).

 (b) For purposes of Chapter 12, Title 58 only, “cable service” does not include any video programming accessed via a service that enables end users to access content, information, electronic mail, or other services offered over the Internet, including streaming video content, regardless of the provider of the Internet access services.

 (h) any revenues from services provided over the network that are associated with or classified as noncable or nonvideo services under federal law including, without limitation, revenues received from telecommunications services, information services, Internet access services, streaming services, directory or Internet advertising revenue (including, without limitation, yellow pages, white pages, banner advertisements, and electronic publishing advertising). Where the sale of any such noncable or nonvideo service is bundled with the sale of any cable or video service or services and sold for a single nonitemized price, the term “gross revenues” shall include only those revenues that are attributable to cable or video services based on the provider’s books and records, such revenues to be allocated in a manner consistent with Generally Accepted Accounting Principles;

 (10)(a) “Video service” means video programming services provided by a video service provider through wireline facilities located at least in part in the public rights of way without regard to delivery technology, including Internet protocol technology. This definition does not include any video programming provided by a commercial mobile service provider as defined in 47 U.S.C. Section 332(d), any video programming provided via a cable service, or any video programming accessed via a service that enables end users to access content, information, electronic mail, or other services offered over the Internet, including streaming video content, regardless of the provider of the Internet access services.

 (b) For purposes of Chapter 12, Title 58 only, “video service” also means video programming services provided by a video service provider through wireline facilities located at least in part in the public rights of way without regard to delivery technology, including Internet protocol technology, and does not include any direct‑to‑home satellite services as defined in 47 U.S.C. Section 303(v).

Definitions

SECTION 2. Section 58‑9‑2200(2) of the S.C. Code is amended to read:

 (2) “Retail telecommunications service” includes telecommunications services as defined in item (1) of this section but shall not include:

 (a) telecommunications services which are used as a component part of a telecommunications service, are integrated into a telecommunications service, or are otherwise resold by another provider to the ultimate retail purchaser who originates or terminates the end‑to‑end communication including, but not limited to, the following:

 (i) carrier access charges;

 (ii) right of access charges;

 (iii) interconnection charges paid by the providers of mobile telecommunications services or other telecommunications services;

 (iv) charges paid by cable service providers for the transmission by another telecommunications provider of video or other programming;

 (v) charges for the sale of unbundled network elements;

 (vi) charges for the use of intercompany facilities; and

 (vii) charges for services provided by shared, not‑for‑profit public safety radio systems approved by the FCC;

 (b) information and data services including the storage of data or information for subsequent retrieval, the retrieval of data or information, or the processing, or reception and processing, of data or information intended to change its form or content;

 (c) cable or video services that are subject to franchise fees;

 (d) satellite television broadcast services;

 (e) video programming accessed via a service that enables end users to access content, information, electronic mail, or other services offered over the Internet, including streaming video content, regardless of the provider of the Internet access services; provided, however, that this exception does not include Voice over Internet Protocol service. This item (e) only applies to Article 20, Chapter 9, Title 58 of the South Carolina Code of Laws.

Time effective

SECTION 3. This act takes effect upon approval by the Governor.

Ratified the 30th day of January, 2024.

Approved the 5th day of February, 2024.

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