

1991 Assembly Bill 748

Date of enactment: **April 30, 1992**
Date of publication*: **May 13, 1992**

1991 WISCONSIN ACT 296

AN ACT to create 60.23 (24), 66.082 (5) and 134.42 of the statutes, relating to: cable television subscriber rights, cable television system franchise transfers and renewals and providing a penalty.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 60.23 (24) of the statutes is created to read:

60.23 (24) CABLE TELEVISION. Enact and enforce an ordinance, and provide forfeitures for a violation of that ordinance, that is similar to s. 134.42, or that gives a cable service subscriber greater rights than the rights under s. 134.42 (2).

SECTION 2. 66.082 (5) of the statutes is created to read:

66.082 (5) FRANCHISE TRANSFERS. (a) A cable operator shall give the municipality that authorized its franchise at least 90 days' advance written notice of the cable operator's intention to transfer ownership or control of a cable television system. During the term of a franchise agreement, a cable operator may not transfer ownership or control of a cable television system without the approval of the municipality that authorized the franchise. A municipality may not withhold approval of an ownership transfer or a transfer of control without good cause. If a hearing is necessary to determine if a transfer may have an adverse effect, a municipality may schedule a hearing to take place within 45 days after the date on which the municipality receives the notice. If a municipality withholds approval of an ownership transfer or a transfer of control, the municipality shall state its objections to the transfer in writing within 60 days after the date on which the municipality receives the notice. Under this paragraph, a transfer of control is presumed to

occur if 40% or more of the ownership interest in a cable television system is transferred.

(am) If 10% or more of the ownership interest in a cable television system is transferred, the cable operator shall inform the municipality that authorized its franchise of the transfer in writing within 30 days after the date of the transfer.

(c) The provisions of this subsection may be varied under a written franchise agreement that is entered into, renewed, extended or modified after the effective date of this paragraph ... [revisor inserts date].

SECTION 3. 134.42 of the statutes is created to read:

134.42 Cable television subscriber rights. (1)

DEFINITIONS. In this section:

(a) "Cable operator" has the meaning given in s. 66.082 (2) (b).

(b) "Cable service" has the meaning given in s. 66.082 (2) (c).

(2) RIGHTS. (a) A cable operator shall repair cable service within 72 hours after a subscriber reports a service interruption or requests the repair if the service interruption is not the result of a natural disaster.

(b) Upon notification by a subscriber of a service interruption, a cable operator shall give the subscriber a credit for one day of cable service if cable service is interrupted for more than 4 hours in one day and the interruption is caused by the cable operator.

(bm) Upon notification by a subscriber of a service interruption, a cable operator shall give the subscriber a credit for each hour that cable service is interrupted if cable service is interrupted for more than 4 hours in one

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day and the interruption is not caused by the cable operator.

(c) A cable operator shall give a subscriber at least 30 days' advance written notice before deleting a program service from its cable service. A cable operator is not required to give the notice under this paragraph if the cable operator makes a channel change because of circumstances beyond the control of the cable operator.

(d) A cable operator shall give a subscriber at least 30 days' advance written notice before instituting a rate increase.

(e) 1. A cable operator may not disconnect a subscriber's cable service, or a portion of that service, for failure to pay a bill until the unpaid bill is at least 45 days past due.

2. If a cable operator intends to disconnect a subscriber's cable service, or a portion of that service, the cable operator shall give the subscriber at least 10 days' advance written notice of the disconnection. A cable operator is not required to give the notice under this subdivision if the disconnection is requested by the subscriber, is necessary to prevent theft of cable service or is necessary to reduce or prevent signal leakage, as described in 47 CFR 76.611.

(3) RULES AND LOCAL ORDINANCES ALLOWED. This

section does not prohibit the department of agriculture, trade and consumer protection from promulgating a rule or from issuing an order consistent with its authority under ch. 100 that gives a subscriber greater rights than the rights under sub. (2) or prohibit a city, village or town from enacting an ordinance that gives a subscriber greater rights than the rights under sub. (2).

(4) PENALTY; ENFORCEMENT. (a) A person who violates sub. (2) may be required to forfeit not more than \$1,000 for each offense and not more than \$10,000 for each occurrence. Failure to give a notice required under sub. (2) (c) or (d) to more than one subscriber shall be considered to be one offense.

(b) The attorney general and the district attorneys of this state have concurrent authority to institute civil proceedings under this section.

SECTION 4. Initial applicability. The treatment of section 66.082 (5) of the statutes first applies to a cable television system franchise transfer or renewal that occurs 90 days after the effective date of this SECTION.

SECTION 5. Effective dates. This act takes effect on the day after publication, except as follows:

(1) The treatment of section 134.42 of the statutes takes effect on the first day of the 3rd month beginning after publication.