

**Effective 5/13/2014**

**10-18-104 Application to existing contracts.**

- (1)
  - (a) If before the sooner of March 1 or the effective date of the chapter, the legislative body of a municipality authorized the municipality to offer or provide cable television services or public telecommunications services, each authorized service:
    - (i) is exempt from Part 2, Conditions for Providing Services; and
    - (ii) is subject to Part 3, Operational Requirements and Limitations.
  - (b) The exemption described in Subsection (1)(a)(i) may not apply to any cable television service or public telecommunications service authorized by the legislative body of a municipality on or after the sooner of March 1 or the effective date of this chapter.
- (2) This chapter does not:
  - (a) invalidate any contract entered into by a municipality before the sooner of March 1 or the effective date of this chapter:
    - (i) for the design, construction, equipping, operation, or maintenance of facilities used or to be used by the municipality, or by a private provider under a contract with the municipality for the purpose of providing:
      - (A) cable television services; or
      - (B) public telecommunications services;
    - (ii) with a private provider for the use of the facilities described in Subsection (2)(a)(i) in connection with the private provider offering:
      - (A) cable television services; or
      - (B) public telecommunications services;
    - (iii) with a subscriber for providing:
      - (A) a cable television service; or
      - (B) a public telecommunications service; or
    - (iv) to obtain or secure financing for the acquisition or operation of the municipality's facilities or equipment used in connection with providing:
      - (A) a cable television service; or
      - (B) a public telecommunications service; or
  - (b) impair any security interest granted by a municipality as collateral for the municipality's obligations under a contract described in Subsection (2)(a).
- (3)
  - (a) A municipality meeting the one or more of the following conditions is exempt from this chapter as provided in Subsection (3)(b):
    - (i) a municipality that adopts or enacts a bond resolution on or before January 1, 2001, to fund facilities or equipment that the municipality uses to provide:
      - (A) cable television services; or
      - (B) public telecommunications services; or
    - (ii) a municipality that has operated for at least three years consecutively before the sooner of March 1 or the effective date of this chapter:
      - (A) a cable television service; or
      - (B) a public telecommunications service.
  - (b) A municipality described in Subsection (3)(a) is exempt from this chapter except for:
    - (i) Subsection 10-18-303(4);
    - (ii) Subsection 10-18-303(7);
    - (iii) Subsection 10-18-303(9);
    - (iv) Section 10-18-304; and

(v) Section 10-18-305.

(4) For the time period beginning on the effective date of this chapter and ending on December 31, 2001, a municipality that operated a cable television service as of January 1, 2001, is exempt from Subsection 10-18-301(1)(d).

Amended by Chapter 189, 2014 General Session