

4502

2009-2010 Regular Sessions

I N S E N A T E

April 24, 2009

Introduced by Sen. KRUGER -- read twice and ordered printed, and when printed to be committed to the Committee on Energy and Telecommunications

AN ACT to amend the public service law, in relation to prohibiting providers of multichannel video programming from entering into exclusive marketing agreements with the owner or manager of a residential multiple dwelling unit

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Section 228 of the public service law is amended by adding
2 a new subdivision 4 to read as follows:
3 4. (A) NO PROVIDER OF MULTICHANNEL VIDEO PROGRAMMING OR OWNERS,
4 LESSORS, MANAGERS OR PERSONS CONTROLLING OR MANAGING A RESIDENTIAL
5 MULTIPLE DWELLING UNIT SHALL ENTER INTO OR RENEW ANY EXCLUSIVE MARKETING
6 AGREEMENT WITH REGARD TO MULTICHANNEL VIDEO PROGRAMMING SERVICES.
7 (B) "EXCLUSIVE MARKETING AGREEMENT" MEANS A CONTRACT OR OTHER ARRANGE-
8 MENT, OTHER THAN A BULK SALES ARRANGEMENT, BETWEEN THE OWNER, LESSOR,
9 MANAGER OR PERSON CONTROLLING OR MANAGING A RESIDENTIAL MULTIPLE DWELL-
10 ING UNIT AND A MULTICHANNEL VIDEO PROGRAMMING PROVIDER IN WHICH A MULTI-
11 CHANNEL VIDEO PROGRAMMING PROVIDER IS GRANTED PREFERENCE OR EXCLUSIVE
12 RIGHTS WITH REGARD TO THE MARKETING OR OFFERING OF SERVICES, OR ACCESS
13 TO THE PREMISES FOR PURPOSES THEREOF.
14 S 2. This act shall take effect immediately.

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets [] is old law to be omitted.

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