

ENROLLED ACT NO. 82, HOUSE OF REPRESENTATIVES

SIXTY-FIFTH LEGISLATURE OF THE STATE OF WYOMING  
2019 GENERAL SESSION

AN ACT relating to rights-of-way; authorizing communications companies to install equipment within the rights-of-way of public roads; providing definitions; and providing for an effective date.

*Be It Enacted by the Legislature of the State of Wyoming:*

**Section 1.** W.S. 1-26-813 and 36-9-118 are amended to read:

**1-26-813. Right-of-way along public ways granted; permission necessary for new lines.**

(a) Corporations authorized to do business in this state for the purpose of constructing, maintaining and operating a public utility or communications company may set their fixtures and facilities along, across or under any of the public roads, streets and waters of this state in such manner as not to inconvenience the public in their use. Any public utility or communications company desiring to install its facilities in any city shall first attempt to obtain consent from the city council in accordance with applicable law. A person shall first obtain permission from the state transportation commission or the board of county commissioners in the county where the construction is contemplated before entering upon any state highway or county road for the purpose of commencing the construction.

(b) As used in this section, "communications company" means a person, or any agent, contractor or subcontractor of the person, who in the course of business, provides services which are telecommunications services, as defined in W.S. 37-15-103(a)(xii), internet protocol enabled service or voice over internet protocol. As used in this section:

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(i) "Internet protocol enabled service" means any service, capability, functionality or application, other than voice over internet protocol service, using existing internet protocol, or any successor internet protocol, that enables an end user to send or receive a communication in existing internet protocol format, or any successor internet protocol format, utilizing a broadband connection at the end user's location, regardless of whether the communication is voice, data or video;

(ii) "Voice over internet protocol service" means any service that:

(A) Enables real time, two-way voice communication originating from or terminating at the user's location in internet protocol or a successor protocol;

(B) Utilizes a broadband connection at the user's location; and

(C) Permits a user to receive a call that originates on the public switched telephone network and to terminate a call to the public switched telephone network.

**36-9-118. Rights-of-way for public conveyances.**

The board ~~of land commissioners~~ may, at their discretion, grant permanent rights-of-way or easements across or upon any portion of state or school lands, upon such terms as the board may determine, for any ditch, reservoir, railroad, public highway, telegraph and telephone lines, communications company facility or other public conveyances. As used in this section, "communications company" means as defined in W.S. 1-26-813.

ORIGINAL HOUSE  
BILL NO. HB0098

ENGROSSED

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**Section 2.** This act is effective July 1, 2019.

(END)

\_\_\_\_\_  
Speaker of the House

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Governor

TIME APPROVED: \_\_\_\_\_

DATE APPROVED: \_\_\_\_\_

I hereby certify that this act originated in the House.

\_\_\_\_\_  
Chief Clerk