

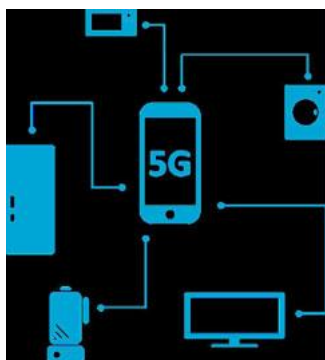


NATIONAL CONFERENCE of STATE LEGISLATURES

# Mobile 5G and Small Cell Legislation

5/7/2018

## Summary



Mobile fifth-generation (5G) wireless systems are the next upgrade of wireless technology, offering faster speeds, greater capacity and better reliability.

To deploy this technology, new infrastructure called **small cells**, must be used. Small cells, which generate less power, collect and transmit the signals in a short range from one another and require collocating the cells on other infrastructure. Small cell wireless facility deployment requires streamlined federal, state and local permitting, rights-of-way, application time lines and other siting and application fees, application review timelines and appeals processes to make it economically feasible for wireless companies to deploy the technology across communities.

Twenty state legislatures—[Arizona](#), [Colorado](#), [Delaware](#), [Florida](#), [Hawaii](#), [Illinois](#), [Indiana](#), [Iowa](#), [Kansas](#), [Minnesota](#), [Missouri](#), [North Carolina](#), [New Mexico](#), [Ohio](#), [Oklahoma](#), [Rhode Island](#), [Tennessee](#), [Texas](#), [Utah](#), and [Virginia](#)—have enacted small cell legislation that streamlines regulations to facilitate the deployment of 5G small cells.

These laws all take into consideration the unique circumstances of their state and local environment, but baseline principles can be established and are consistent with wireless industry standards, including:

- Streamlined applications to access public rights-of-way.
- Caps on costs and fees.
- Streamlined timelines for the consideration and processing of cell siting applications.

*The box allows you to conduct a full text search or use the dropdown menu option to select a state.*

### 2018 MOBILE 5G LEGISLATION BY STATE

STATE	STATUTE	SUMMARY	STATUS
Georgia	<a href="#">GA S 426</a>	Streamlines the deployment of wireless broadband in public rights-of-way. Establishes the Broadband Infrastructure Leads to Development Act. Limits the ability of local governing authorities to prohibit, regulate, or charge for use of public rights-of-way under certain circumstances.	Failed

Hawaii	<a href="#">HI S 2704</a>	Establishes a process to upgrade and support next generation wireless broadband infrastructure throughout the state. Establishes a permitting, application, review, and approval process for wireless service providers to install wireless facilities on state or county owned utility poles, or install associated utility poles, in the rights-of-way. Applies to permit applications filed with the state or county after Dec. 31, 2018.	Failed
Hawaii	<a href="#">HI H 2323</a>	Describes the application process for a permitted use permit to a state or county agency for the collocation of small wireless facilities on state or county utility poles, light standards, buildings, or structures	Failed
Hawaii	<a href="#">HB2651</a>	Establishes a process to upgrade and support next-generation wireless broadband infrastructure throughout the State. Establishes a permitting, application, review, and approval process for small wireless providers or communications service providers to install wireless facilities on state or county solely-owned utility poles, or install associated utility poles, in the right of way. Applies to permit applications filed with the State or county after December 31, 2018.	Enacted
Illinois	<a href="#">SB1451</a>	Creates the Small Wireless Facilities Deployment Act. Provides that an authority (a unit of local government with control over rights-of-way) may not prohibit, regulate, or charge for the collocation of small wireless facilities (the installation, mounting, maintaining, modifying, operating, or replacement of small wireless facilities on or adjacent to a wireless support structure or utility pole). Provides that small wireless facilities shall be classified as permitted uses and not subject to zoning review and approval under specified circumstances.	Enacted
Indiana	<a href="#">IN H 1050</a>	Relates to small cell wireless structures. Provides that the definition of "wireless support structure" does not include a utility pole owned or operated by a public utility, a municipality, an electric membership corporation, or a rural electric cooperative. Provides that with respect to the construction, placement, or use of small cell facilities and associated supporting structures, a permit authority may prohibit the placement of a new wireless support structure in a rights-of-way.	Enacted
Indiana	<a href="#">IN S 258</a>	Relates to wireless communications support structures. Provides that, for purposes of the statute concerning the local permitting of support structures for wireless communications services, with respect to the construction, placement, or use of a small cell facility and the associated supporting structure, a permit authority may prohibit the placement of a new utility pole or new wireless support structure in a rights-of-way within an area that is designated strictly for underground or buried utilities.	Failed

Maine	<a href="#">ME H 1170</a>	This bill changes the process for siting small cell facilities to facilitate wireless broadband deployment, including: 1. Through modifications to the process for issuing utility facility location permits, including small cell facility location permits; 2. Through the establishment of standards governing local land use ordinances applicable to the siting of small cell facilities; and 3. Through the establishment of standards governing the collocation of small cell facilities on poles owned.	Failed
Maryland	<a href="#">MD S 1188</a> <a href="#">MD H 1767</a>	Prohibits a local government from entering into certain types of exclusive agreements under certain circumstances. Authorizes a local government to impose certain rates and fees for certain purposes under certain circumstances. Authorizes a wireless provider to collocate certain wireless facilities and poles in certain places under certain circumstances. Provides that certain uses of land are permitted uses and not subject to local zoning review or approval.	Failed
Michigan	<a href="#">MI S 894</a>	Places wireless communications infrastructure under the authority of the Wireless Communications Infrastructure Deployment Act.	Pending
Michigan	<a href="#">MI S 637</a>	Establishes the Small Wireless Communications Facilities Deployment Act. Authorizes indemnification and insurance requirements. Authorizes certain bonding requirements. Provides for charges for electricity to operate <a href="#">small cell</a> wireless facilities.	Pending
Minnesota	<a href="#">MN S 561</a>	Collocation of Small Wireless Facilities. A bill for an act relating to telecommunications; providing for collocation of <a href="#">small wireless facilities</a> . Amending Minnesota statutes.	Failed
Minnesota	<a href="#">MN H 739</a>	Relates to telecommunications. Provides for collocation of small wireless facilities.	Failed
Missouri	<a href="#">MO S 837</a>	Relates to the deployment of wireless facilities.	Failed
Missouri	<a href="#">MO H 1948</a>	Changes the law regarding the Uniform Wireless Communication Infrastructure Deployment Act.	Failed
Missouri	<a href="#">MO H 1991</a>	Modifies provisions relating to wireless facilities and related infrastructure.	Enacted
Nebraska	<a href="#">NE L 389</a>	Adopts the Small Wireless Facilities Act.	Failed
New Mexico	<a href="#">NM H 38</a>	Would enact the Wireless Consumer Advanced Infrastructure Investment Act. Establishes provisions for the deployment of cellular network nodes in public rights-of-way.	Enacted

New Mexico	<b>NM S 14</b>	Would enact the Wireless Consumer Advanced Infrastructure Investment Act. Establishes provisions for the deployment of cellular network nodes in public rights-of-way.	Enacted
Ohio	<b>OH H 478</b>	Modifies the law regarding wireless service and the placement of small cell wireless facilities in the public rights-of-way.	Enacted
Oklahoma	<b>OK S 1388</b>	Creates the state Small Wireless Facilities Deployment Act. Establishes procedures for the collocation and deployment of small wireless facilities and utility poles within a right-of-way. Establishes the permitting process for wireless providers utilizing small wireless facilities in certain areas. Establishes permitting process for wireless providers installing and maintaining utility poles in certain areas.	Enacted
Oklahoma	<b>OK S 1146</b>	Creates the Oklahoma Small Wireless Facilities Deployment Act. States legislative findings. Defines terms. Establishes procedures for the deployment of small wireless facilities and utility poles within a rights-of-way. Establishes the permitting process for wireless providers utilizing small wireless facilities in certain areas. Establishes permitting process for wireless providers installing and maintaining utility polls in certain areas.	Failed
Pennsylvania	<b>PA H 1620</b>	Amends the Wireless Broadband Collocation Act;. Relates to the regulation of wireless support structures. Relates to use of public rights-of-way and access to municipal poles.	Pending
Tennessee	<b>TN H 2279</b> <b>TN S 2504</b>	Relates to telecommunications. Enacts the Competitive Wireless Broadband Investment, Deployment, and Safety Act of 2018. Authorizes a municipality, county, or the State to develop an application process, fee, and rate structure for installation of small wireless facilities on structures used for electric distribution, lighting, traffic control, and signage. Prohibits an Authority from certain practices and establishing certain restrictions relative to small wireless facilities.	Enacted
Virginia	<b>VA H 1258</b>	Relates to zoning for wireless communications infrastructure. Establishes parameters regarding applications for zoning approvals for certain wireless support structures. Applications for certain new wireless support structures that are 50 feet or less above ground level, and for the co-location on an existing structure of a wireless facility that is not a small cell facility are exempt from requirements that they obtain a special exception, special use permit, or variance.	Enacted
Virginia	<b>VA H 1597</b>	Relates to zoning for wireless communications infrastructure.	Failed

Washington	<a href="#">WA H 2592</a>	Concerns the efficient deployment of small cell network infrastructure.	Failed
Wisconsin	<a href="#">WI A 348</a>	Relates to limiting the authority of the state and political subdivisions to regulate wireless facilities. Also relates to authorizing political subdivisions to impose setback requirements for certain mobile service support structures.	Failed
Wisconsin	<a href="#">WI S 425</a>	Relates to limiting the authority of the state and political subdivisions to regulate wireless facilities. Relates to authorizing political subdivisions to impose setback requirements for certain mobile service support structures	Failed
West Virginia	<a href="#">WV H 4357</a>	Establishes the Small Wireless Facilities Deployment Act. Provides for access to public rights-of-way for the collocation of small wireless facilities. Provides for certain permit requirements. Requires permits to be issued on a nondiscriminatory basis. Provides for the collection of fees and setting the amount of fees. Provides for certain local zoning, indemnification, insurance and bonding requirements.	Failed

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