

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 55th Legislature (2016)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 1951

By: Watson of the House

and

Griffin of the Senate

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10 COMMITTEE SUBSTITUTE

11 An Act relating to public health and safety; amending
12 63 O.S. 2011, Sections 142.3 and 142.6, which relate
13 to the Underground Facilities Damage Prevention Act;
14 deleting exception for municipalities; requiring
15 municipalities to participate in the statewide one-
16 call notification center; deleting certain
17 notification options for municipally owned
18 facilities; updating statutory language; repealing 63
19 O.S. 2011, Section 142.12, which relates to duties of
20 a municipality not participating in the statewide
21 one-call notification center; and providing an
22 effective date.

23 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

24 SECTION 1. AMENDATORY 63 O.S. 2011, Section 142.3, is
amended to read as follows:

 Section 142.3 ~~Except for a municipality, all~~ All operators of
underground facilities shall participate in the statewide one-call
notification center and shall have on file with the notification

1 center a notice that such operator has underground facilities, the
2 county or counties where such facilities are located, and the
3 address and telephone number of the person or persons from whom
4 information about such underground facilities may be obtained. A
5 municipality ~~may, at its discretion,~~ shall participate in the
6 statewide one-call notification center as provided for in this
7 section ~~or may provide information concerning the underground~~
8 ~~facilities of the municipality as provided for in Section 9 of this~~
9 ~~act.~~

10 SECTION 2. AMENDATORY 63 O.S. 2011, Section 142.6, is
11 amended to read as follows:

12 Section 142.6 A. Before an excavator shall demolish a
13 structure, discharge any explosive or commence to excavate in a
14 highway, street, alley or other public ground or way, on or near the
15 location of an operator's underground facilities, or a private
16 easement, such excavator shall first notify all operators in the
17 geographic area defined by the notification center who have on file
18 with the notification center a notice pursuant to Section 142.3 of
19 this title to determine whether any operators have underground
20 facilities in or near the proposed area of excavation or demolition.
21 When an excavator has knowledge that an operator does not have
22 underground facilities within the area of the proposed excavation,
23 the excavator need not notify the operator of the proposed
24 excavation. However, an excavator shall be responsible for damage

1 to the underground facilities of an operator if the notification
2 center was not notified. Notice shall be given no more than ten
3 (10) days nor less than forty-eight (48) hours, excluding Saturdays,
4 Sundays and legal holidays, prior to the commencement of the
5 excavation or demolition.

6 B. Each operator served with notice in accordance with
7 subsection A above either directly or by notice to the notification
8 center shall, within forty-eight (48) hours after receipt of
9 verification from the notification center that the notice has been
10 accepted and acknowledged, excluding Saturdays, Sundays and legal
11 holidays, unless otherwise agreed to between the excavator and
12 operator, locate and mark or otherwise provide the approximate
13 location of the underground facilities of the operator in a manner
14 as to enable the excavator to employ hand-dug test holes to
15 determine the precise location of the underground facilities in
16 advance of excavation. ~~The operators of a municipally owned water,~~
17 ~~sewage, traffic control, communication facility or any other~~
18 ~~municipally owned facility need only notify the excavator within the~~
19 ~~prescribed period that they have facilities located in or near the~~
20 ~~proposed area of excavation or demolition, the type of facilities~~
21 ~~and their approximate location, if known.~~ For the purpose of this
22 act, the approximate location of the underground facilities shall be
23 defined as a strip of land two (2) feet on either side of such
24 underground facilities. Whenever an operator is served with notice

1 of an excavation or demolition and determines that ~~he~~ the operator
2 does not have underground facilities located within the proposed
3 area of excavation or demolition, the operator shall communicate
4 this information to the excavator originating the notice prior to
5 the commencement of such excavation or demolition.

6 C. The only exception to subsection A of this section shall be
7 when an emergency exists that endangers life, health or property.
8 Under these conditions, excavation operations may begin immediately,
9 providing reasonable precautions are taken to protect underground
10 facilities. All operators of underground facilities within the area
11 of the emergency must be notified promptly when an emergency
12 requires excavation prior to the location of the underground
13 facilities being marked.

14 D. Every notice given by an excavator to an operator pursuant
15 to this section or to the notification center pursuant to Section
16 142.3 of this title, shall contain at least the following
17 information:

- 18 1. The name of the individual serving such notice;
- 19 2. The location of the proposed area of excavation or
20 demolition;
- 21 3. The name, address and telephone number of the excavator or
22 excavator's company;
- 23 4. The excavator's field telephone number, if one is available;
- 24 5. The type and the extent of the proposed work;

1 6. Whether or not the discharging of explosives is anticipated;
2 and

3 7. The date and time when work is to begin.

4 E. In marking the approximate location of underground
5 facilities, an operator shall follow the standard color coding
6 described herein:

7 OPERATOR AND TYPE OF PRODUCT	SPECIFIC GROUP IDENTIFYING COLOR
8 Electric Power Distribution	
9 and Transmission	Safety Red
10 Municipal Electric Systems	Safety Red
11 Gas Distribution and	
12 Transmission	High Visibility Safety Yellow
13 Oil Distribution and	
14 Transmission	High Visibility Safety Yellow
15 Dangerous Materials, Product	
16 Lines, Steam Lines	High Visibility Safety Yellow
17 Telephone and Telegraph	
18 Systems	Safety Alert Orange
19 Police and Fire	
20 Communications	Safety Alert Orange
21 Cable Television	Safety Alert Orange
22 Water Systems	Safety Precaution Blue
23 Slurry Systems	Safety Precaution Blue
24 Sewer Systems	Safety Green

1 SECTION 3. REPEALER 63 O.S. 2011, Section 142.12, is
2 hereby repealed.

3 SECTION 4. This act shall become effective November 1, 2016.
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5 COMMITTEE REPORT BY: COMMITTEE ON UTILITIES, dated 02/25/2016 - DO
6 PASS, As Amended and Coauthored.
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