

1 **SENATE FLOOR VERSION**

2 April 7, 2016

3 ENGROSSED HOUSE
4 BILL NO. 1951

By: Watson of the House

and

Griffin of the Senate

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9 An Act relating to public health and safety; amending
10 63 O.S. 2011, Sections 142.3 and 142.6, which relate
11 to the Underground Facilities Damage Prevention Act;
12 deleting exception for municipalities; requiring
13 municipalities to participate in the statewide one-
14 call notification center; deleting certain
15 notification options for municipally owned
16 facilities; updating statutory language; repealing 63
17 O.S. 2011, Section 142.12, which relates to duties of
18 a municipality not participating in the statewide
19 one-call notification center; and providing an
20 effective date.

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

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

24 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
center a notice that such operator has underground facilities, the
county or counties where such facilities are located, and the

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

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

10 Section 142.6 A. Before an excavator shall demolish a
11 structure, discharge any explosive or commence to excavate in a
12 highway, street, alley or other public ground or way, on or near the
13 location of an operator's underground facilities, or a private
14 easement, such excavator shall first notify all operators in the
15 geographic area defined by the notification center who have on file
16 with the notification center a notice pursuant to Section 142.3 of
17 this title to determine whether any operators have underground
18 facilities in or near the proposed area of excavation or demolition.
19 When an excavator has knowledge that an operator does not have
20 underground facilities within the area of the proposed excavation,
21 the excavator need not notify the operator of the proposed
22 excavation. However, an excavator shall be responsible for damage
23 to the underground facilities of an operator if the notification
24 center was not notified. Notice shall be given no more than ten

1 (10) days nor less than forty-eight (48) hours, excluding Saturdays,
2 Sundays and legal holidays, prior to the commencement of the
3 excavation or demolition.

4 B. Each operator served with notice in accordance with
5 subsection A above either directly or by notice to the notification
6 center shall, within forty-eight (48) hours after receipt of
7 verification from the notification center that the notice has been
8 accepted and acknowledged, excluding Saturdays, Sundays and legal
9 holidays, unless otherwise agreed to between the excavator and
10 operator, locate and mark or otherwise provide the approximate
11 location of the underground facilities of the operator in a manner
12 as to enable the excavator to employ hand-dug test holes to
13 determine the precise location of the underground facilities in
14 advance of excavation. ~~The operators of a municipally owned water,~~
15 ~~sewage, traffic control, communication facility or any other~~
16 ~~municipally owned facility need only notify the excavator within the~~
17 ~~prescribed period that they have facilities located in or near the~~
18 ~~proposed area of excavation or demolition, the type of facilities~~
19 ~~and their approximate location, if known.~~ For the purpose of this
20 act, the approximate location of the underground facilities shall be
21 defined as a strip of land two (2) feet on either side of such
22 underground facilities. Whenever an operator is served with notice
23 of an excavation or demolition and determines that ~~he~~ the operator
24 does not have underground facilities located within the proposed

1 area of excavation or demolition, the operator shall communicate
2 this information to the excavator originating the notice prior to
3 the commencement of such excavation or demolition.

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

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

- 16 1. The name of the individual serving such notice;
- 17 2. The location of the proposed area of excavation or
18 demolition;
- 19 3. The name, address and telephone number of the excavator or
20 excavator's company;
- 21 4. The excavator's field telephone number, if one is available;
- 22 5. The type and the extent of the proposed work;
- 23 6. Whether or not the discharging of explosives is anticipated;
- 24 and

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

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

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

23 SECTION 3. REPEALER 63 O.S. 2011, Section 142.12, is
24 hereby repealed.

1 SECTION 4. This act shall become effective November 1, 2016.

2 COMMITTEE REPORT BY: COMMITTEE ON ENERGY

3 April 7, 2016 - DO PASS

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