

HOUSE BILL 1791

By Marsh

AN ACT to amend Tennessee Code Annotated, Title 65,
Chapter 31, relative to underground utility damage
prevention.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 65-31-108(a), is amended by designating the existing language as new subdivision (1) and by adding the following as new subdivisions:

(2) Notwithstanding subdivision (a)(1), the underground utility damage enforcement board may establish, by rule, best practices for uniform color code and marking consistent with this part. The rules may include stakes, flags, non-permanent paint, or other low impact marking practices. Rules must be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

(3) Notwithstanding any law to the contrary, marking methods established by subdivision (a)(2) are the sole method of marking underground facilities in this state.

SECTION 2. Tennessee Code Annotated, Section 65-31-107(b)(1), is amended by adding the following as a new subdivision:

(E) Failure of an operator as described in this subdivision (b)(1) to join the one-call service and utilize the services of the notification center in accordance with this section is a violation of this chapter and subjects the operator to the fines and penalties described in § 65-31-112.

SECTION 3. Tennessee Code Annotated, Section 65-31-107, is amended by adding the following as a new subsection:

(e) The one-call service shall provide training for those who have violated this chapter, unless otherwise determined by the board.

SECTION 4. Tennessee Code Annotated, Section 65-31-115, is amended by adding the following as a new subsection:

(d) The executive committee shall review the reasonableness of fees and any subsequent changes to the fees charged to violators by the board's designated provider of compliance training ordered pursuant to § 65-31-112.

SECTION 5. Tennessee Code Annotated, Section 65-31-102, is amended by adding the following as a new subdivision:

() "Contract locator" means any person contracted with an operator, or operating on behalf of an operator, specifically to determine and mark the approximate location of the operator's utility lines that exist within the area specified by a notice served on the one-call service;

SECTION 6. Tennessee Code Annotated, Section 65-31-108, is amended by adding the following as a new subsection:

(i) Any contract locator acting on behalf of an operator is subject to this section.

SECTION 7. Tennessee Code Annotated, Section 65-31-114(c), is amended by deleting the language "sixteen (16) members" and substituting instead the language "seventeen (17) members" and by adding the following as a new subdivision:

(17) One (1) member shall be a person representing the interests of contract locators, to be appointed by the speaker of the senate, whose initial term shall be four (4) years.

SECTION 8. Tennessee Code Annotated, Section 65-31-114(f)(3), is amended by deleting the subdivision and substituting instead the following:

(A) Except as provided in subdivision (f)(3)(B), a member serving on the executive committee shall be limited to two (2) consecutive one-year terms.

(B) In order to stagger the terms of the members serving on the executive committee, the members serving on the executive committee as of the effective date of this act shall be appointed as follows:

(i) The person appointed under subdivision (f)(2)(A) shall serve a term of one (1) year, which shall expire on June 30, 2019;

(ii) The person appointed under subdivision (f)(2)(B) shall serve a term of two (2) years, which shall expire on June 30, 2020; and

(iii) The person appointed under subdivision (f)(2)(C) shall serve a term of three (3) years, which shall expire on June 30, 2021.

(C) Following the expiration of members' terms as prescribed in subdivision (f)(3)(B), a member serving on the executive committee shall be limited to two (2) consecutive one-year terms.

SECTION 9. Tennessee Code Annotated, Section 65-31-116(c), is amended by deleting the subsection and substituting instead the following:

(c) If the person to whom the citation is issued under subsection (b) does not pay the citation or submit to ordered training, or both, within thirty (30) days, then the executive committee shall appoint a hearing officer to conduct a hearing and issue an initial order pursuant to the Uniform Administrative Procedures Act, compiled in title 4, chapter 5. The hearing shall be held in the Nashville, Davidson County, offices of the Tennessee public utility commission at the time set forth in the citation notice of hearing.

SECTION 10. Tennessee Code Annotated, Section 65-31-102(19)(B), is amended by deleting the subdivision and substituting instead the following:

(B) Does not include any railroad, the Tennessee department of transportation, or any natural flowing runoff systems;

SECTION 11. This act shall take effect upon becoming a law, the public welfare requiring it.