

An Act

ENROLLED HOUSE
BILL NO. 1951

By: Watson of the House

and

Griffin of the Senate

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

SUBJECT: Underground Facilities Damage Prevention Act

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

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

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

Section 142.6 A. Before an excavator shall demolish a structure, discharge any explosive or commence to excavate in a highway, street, alley or other public ground or way, on or near the location of an operator's underground facilities, or a private easement, such excavator shall first notify all operators in the geographic area defined by the notification center who have on file with the notification center a notice pursuant to Section 142.3 of this title to determine whether any operators have underground facilities in or near the proposed area of excavation or demolition. When an excavator has knowledge that an operator does not have underground facilities within the area of the proposed excavation, the excavator need not notify the operator of the proposed excavation. However, an excavator shall be responsible for damage to the underground facilities of an operator if the notification center was not notified. Notice shall be given no more than ten (10) days nor less than forty-eight (48) hours, excluding Saturdays, Sundays and legal holidays, prior to the commencement of the excavation or demolition.

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

this information to the excavator originating the notice prior to the commencement of such excavation or demolition.

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

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

1. The name of the individual serving such notice;
2. The location of the proposed area of excavation or demolition;
3. The name, address and telephone number of the excavator or excavator's company;
4. The excavator's field telephone number, if one is available;
5. The type and the extent of the proposed work;
6. Whether or not the discharging of explosives is anticipated; and
7. The date and time when work is to begin.

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

OPERATOR AND TYPE OF PRODUCT	SPECIFIC GROUP IDENTIFYING COLOR
Electric Power Distribution and Transmission	Safety Red
Municipal Electric Systems	Safety Red

Gas Distribution and Transmission	High Visibility Safety Yellow
Oil Distribution and Transmission	High Visibility Safety Yellow
Dangerous Materials, Product Lines, Steam Lines	High Visibility Safety Yellow
Telephone and Telegraph Systems	Safety Alert Orange
Police and Fire Communications	Safety Alert Orange
Cable Television	Safety Alert Orange
Water Systems	Safety Precaution Blue
Slurry Systems	Safety Precaution Blue
Sewer Systems	Safety Green

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

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

Passed the House of Representatives the 2nd day of March, 2016.

Scott C. Martin

Presiding Officer of the House
of Representatives

Passed the Senate the 18th day of April, 2016.

A. G. Griffin

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 19th

day of April, 20 16, at 4:46 o'clock P M.

By: Audrey Rodwell

Approved by the Governor of the State of Oklahoma this 25th

day of April, 20 16, at 1:25 o'clock P M.

Mary Fallin

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this 25

day of April, 20 16, at 2:45 o'clock P. M.

By: Chris Benze