

STATE OF OKLAHOMA

1st Session of the 48th Legislature (2001)

SENATE BILL 721

By: Stipe

AS INTRODUCED

An Act relating to roads, bridges and ferries; amending 69 O.S. 1991, Section 1401, which relates to public utilities; providing certain definition; updating outline; and declaring an emergency.

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

SECTION 1. AMENDATORY 69 O.S. 1991, Section 1401, is amended to read as follows:

Section 1401. ~~(a)~~ A. Any public utilities or cable television system, not otherwise authorized to do so, lawfully operating or doing business in the State of Oklahoma shall have the right to use the public roads and highways of this state, including the right-of-way and all easements pertaining thereto, as hereinafter provided.

~~(b)~~ B. The use of the public roads and highways by such public utilities or cable television system shall be for the purpose of erecting poles and posts, attaching equipment, wires and fixtures thereto and laying pipes and conduits under the surface thereof. Such poles, wires, fixtures, pipes and conduits shall be erected, placed, adjusted or laid and maintained only after obtaining the consent of, and under such rules ~~and regulations~~ as shall be prescribed by, the Commission as to the state highway system, and the boards of county commissioners of the various counties as to roads and highways under their jurisdiction. Provided, that nothing herein shall be construed to grant the right to use the streets or other places of any municipality of this state without the consent

of such municipality. Provided~~7~~ further, that the boards of county commissioners may grant to any citizen the right to lay pipes and conduits under the surface of any road or highway under their jurisdiction, subject to such rules~~7~~~~regulations~~ and conditions as shall be prescribed by the board of county commissioners. Provided~~7~~ further, that nothing herein shall be construed to limit any rights granted by other provisions of law. Provided~~7~~ further, that such poles, wires, posts, conduits and equipment shall be erected, placed, adjusted, laid, constructed and maintained so as not to incommode or endanger the public in the use of its roads and highways.

Public utilities or cable television systems shall completely repair or replace any damage, injury or other change to public roads or highways of any county or municipality which would incommode or endanger the public which are caused by the erection, placement, adjustment, construction or maintenance of any public utility or cable television system poles, wires, posts, conduits or other equipment. Provided that nothing in this act shall be interpreted to impair the right of recovery against any third party for such damage or injury.

~~(e)~~ C. The failure of any such public utility or cable television system to construct or maintain its poles, wires, conduits, pipe lines and equipment upon or under such public highways in full compliance with the rules ~~and regulations~~ promulgated by the Commission or the board of county commissioners involved shall forfeit the right of such utility or cable television system herein granted to use such public highway or highways, and such utility or cable television system may thereupon be ousted from the use of such highway.

D. For the purposes of this section and Sections 1402 and 1403 of this title the term "public utility or cable television system" means a corporation or company organized and existing or

domesticated under the laws of this state and the end users of which are located within this state. Such term shall not include pass-through companies or corporations that obtain public utility status through the Oklahoma Corporation Commission but the end users of which are not located within this state.

SECTION 2. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

48-1-751

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