

1 ENGROSSED HOUSE
2 BILL NO. 1951

By: Watson of the House

and

Griffin of the Senate

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5
6 An Act relating to public health and safety; amending
7 63 O.S. 2011, Sections 142.3 and 142.6, which relate
8 to the Underground Facilities Damage Prevention Act;
9 deleting exception for municipalities; requiring
10 municipalities to participate in the statewide one-
11 call notification center; deleting certain
12 notification options for municipally owned
13 facilities; updating statutory language; repealing 63
14 O.S. 2011, Section 142.12, which relates to duties of
15 a municipality not participating in the statewide
16 one-call notification center; and providing an
17 effective date.

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

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

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

1 statewide one-call notification center as provided for in this
2 section ~~or may provide information concerning the underground~~
3 ~~facilities of the municipality as provided for in Section 9 of this~~
4 ~~act.~~

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

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

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

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

9 D. Every notice given by an excavator to an operator pursuant
10 to this section or to the notification center pursuant to Section
11 142.3 of this title, shall contain at least the following
12 information:

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

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

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

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

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

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

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4 Presiding Officer of the House
of Representatives

5 Passed the Senate the ____ day of _____, 2016.

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9 Presiding Officer of the Senate