

## FLOOR AMENDMENT

HOUSE OF REPRESENTATIVES

State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB1376

			Of the printed Bill
Page	<u>6</u>	Section	<u>3</u>
		Lines	<u>12 1/2</u>
			Of the Engrossed Bill

By inserting the following language and renumbering subsequent sections:

**AMEND TITLE TO CONFORM TO AMENDMENTS**

Amendment submitted by: David Perryman

Adopted: \_\_\_\_\_

\_\_\_\_\_  
Reading Clerk

1 "SECTION 1. AMENDATORY 63 O.S. 2011, Section 142.8, is  
2 amended to read as follows:

3 Section 142.8 In addition to the notice required by Section  
4 142.6 of this title, whenever the demolition of a structure is  
5 proposed, operators in the geographic area defined by the  
6 notification center who have a notice on file with the notification  
7 center pursuant to Section 142.3 of this title shall be given at  
8 least seven (7) business days' notice of the proposed demolition  
9 before the demolition work begins. Such notice shall be initiated  
10 by the notification center after the excavator has met local code  
11 requirements for a demolition permit. When an operator is served  
12 with notice and determines that underground facilities are within  
13 the proposed area of demolition and such facilities require  
14 additional protection, service removal or termination, the operator  
15 shall communicate this information to the excavator and by mutual  
16 agreement the operator and excavator shall determine a date to begin  
17 the demolition which shall not exceed sixty (60) business days from  
18 the original demolition notice. If a public agency, city, town,  
19 county, political subdivision or other governmental entity  
20 determines that the structure endangers the public health or safety,  
21 then the public agency, city, town, county, political subdivision or  
22 other governmental entity may, in the manner provided by law, order  
23 the immediate demolition of the structure.

1       SECTION 2.       AMENDATORY       63 O.S. 2011, Section 142.9a, is  
2 amended to read as follows:

3       Section 142.9a A. Any excavator, except for a public agency  
4 who fails to comply with the Oklahoma Underground Facilities Damage  
5 Prevention Act and who damages an underground facility owned or  
6 operated by a nonprofit rural water corporation organized pursuant  
7 to Section 863 of Title 18 of the Oklahoma Statutes or a rural water  
8 district organized pursuant to the Rural Water, Sewer, Gas, and  
9 Solid Waste Management Districts Act, shall be liable for the  
10 underground damage to and responsible for the repair of such  
11 facilities. Any new underground facilities installed on and after  
12 September 1, 1992, shall contain materials capable of being detected  
13 so that the facilities can be accurately located.

14       B. Any excavator who damages or cuts an underground facility,  
15 as a result of negligently failing to comply with the provisions of  
16 the Oklahoma Underground Facilities Damage Prevention Act or as a  
17 result of failing to take measures for the protection of an  
18 underground facility shall be liable to the operator of the  
19 underground facility for the repair of the damaged underground  
20 facility.

21       C. Except for public agencies, cities, towns, counties,  
22 political subdivisions or other governmental entities, any excavator  
23 who by willful act or by reckless disregard of the rights of others,  
24 repeatedly violates the provisions of the Oklahoma Underground

1 Facilities Damage Prevention Act and repeatedly damages underground  
2 facilities, thereby threatening the public health, safety, and  
3 welfare, may be enjoined by a court of competent jurisdiction from  
4 further excavation.

5 SECTION 3. AMENDATORY 63 O.S. 2011, Section 142.11, is  
6 amended to read as follows:

7 Section 142.11 Notwithstanding anything which may be contained  
8 in this act to the contrary, public agencies, cities, towns,  
9 counties, political subdivisions or other governmental entities, and  
10 their contractors engaged in work within the public right-of-way  
11 which work is a preengineered project, certified project or routine  
12 maintenance shall be exempt from the provisions of this act.  
13 Provided, a contractor for a public agency ~~contractor,~~ city, town,  
14 county, political subdivision or other governmental entity, prior to  
15 engaging in routine maintenance, shall take reasonable steps to  
16 determine the location of underground facilities in or near the  
17 proposed area of work. Reasonable steps may include utilization of  
18 the statewide one-call notification center procedures as provided  
19 for in Section 142.6 of this title."  
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21 56-1-7271 LRB 03/02/17  
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