

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 57th Legislature (2020)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 3611

By: O'Donnell

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9 COMMITTEE SUBSTITUTE

10 An Act relating to public health and safety; amending
11 63 O.S. 2011, Section 142.6, as last amended by
12 Section 2, Chapter 148, O.S.L. 2019 (63 O.S. Supp.
13 2019, Section 142.6), which relates to notice of
14 proposed demolition, explosion or excavation;
15 modifying information required to be provided in
16 certain notice; and providing an effective date.

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

18 SECTION 1. AMENDATORY 63 O.S. 2011, Section 142.6, as
19 last amended by Section 2, Chapter 148, O.S.L. 2019 (63 O.S. Supp.
20 2019, Section 142.6), is amended to read as follows:

21 Section 142.6 A. Before an excavator shall demolish a
22 structure, discharge any explosive or commence to excavate in a
23 highway, street, alley or other public ground or way, on or near the
24 location of an operator's underground facilities, or a private
 easement, such excavator shall first notify all operators in the

1 geographic area defined by the notification center who have on file
2 with the notification center a notice pursuant to Section 142.3 of
3 this title to determine whether any operators have underground
4 facilities in or near the proposed area of excavation or demolition.
5 When an excavator has knowledge that an operator does not have
6 underground facilities within the area of the proposed excavation,
7 the excavator need not notify the operator of the proposed
8 excavation. However, an excavator shall be responsible for damage
9 to the underground facilities of an operator if the notification
10 center was not notified. Notice shall be given no more than ten
11 (10) days nor less than forty-eight (48) hours, excluding the date
12 of notification, Saturdays, Sundays and legal holidays, prior to the
13 commencement of the excavation or demolition.

14 B. Each operator served with notice in accordance with
15 subsection A of this section either directly or by notice to the
16 notification center shall, prior to the date and time work is
17 scheduled to begin, unless otherwise agreed to between the excavator
18 and operator, locate and mark or otherwise provide the approximate
19 location of the underground facilities of the operator in a manner
20 as to enable the excavator to employ hand-dug test holes to
21 determine the precise location of the underground facilities in
22 advance of excavation. For the purpose of this act, the approximate
23 location of the underground facilities shall be defined as a strip
24 of land two (2) feet on either side of such underground facilities.

1 Whenever an operator is served with notice of an excavation or
2 demolition and determines that the operator does not have
3 underground facilities located within the proposed area of
4 excavation or demolition, the operator shall communicate this
5 information to the excavator originating the notice prior to the
6 commencement of such excavation or demolition.

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

15 D. Every notice given by an excavator to an operator pursuant
16 to this section or to the notification center pursuant to Section
17 142.3 of this title shall contain at least the following
18 information:

- 19 1. The name of the individual serving such notice;
- 20 2. The location of the proposed area of excavation or
21 demolition;
- 22 3. The name, address and telephone number of the excavator or
23 excavator's company;
- 24 4. The excavator's field telephone number, if one is available;

1 5. The type and the extent of the proposed work, not to exceed
2 five hundred (500) linear feet in incorporated areas or one (1)
3 linear mile in unincorporated areas;

4 6. Whether or not the discharging of explosives is anticipated;
5 and

6 7. The date and time when work is to begin.

7 E. In marking the approximate location of underground
8 facilities, an operator shall follow the standard color coding
9 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

1	Water Systems	Safety Precaution Blue
2	Slurry Systems	Safety Precaution Blue
3	Sewer Systems	Safety Green

4 SECTION 2. This act shall become effective November 1, 2020.

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6 COMMITTEE REPORT BY: COMMITTEE ON UTILITIES, dated 02/27/2020 - DO
7 PASS, As Amended.

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