

STATE OF OKLAHOMA

1st Session of the 57th Legislature (2019)

SENATE BILL NO. 1008

By: Allen

AS INTRODUCED

An Act relating to the Oklahoma Underground Facilities Damage Prevention Act; amending 63 O.S. 2011, Section 142.2, as last amended by Section 1, Chapter 136, O.S.L. 2018 (63 O.S. Supp. 2018, Section 142.2), which relates to definitions; modifying definition; and providing an effective date.

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

SECTION 1. AMENDATORY 63 O.S. 2011, Section 142.2, as last amended by Section 1, Chapter 136, O.S.L. 2018 (63 O.S. Supp. 2018, Section 142.2), is amended to read as follows:

Section 142.2. As used in the Oklahoma Underground Facilities Damage Prevention Act:

1. "Certified project" means a project where the public agency responsible for the public project, as part of its procedure, certifies that the project right-of-way is free and clear of underground facilities or wherein the public agency responsible for such project, as part of its procedure, notifies all persons determined by the public agency to have underground facilities located within the construction right-of-way and certifies that all

1 known underground facilities are duly located or noted on the  
2 engineering drawings for the project;

3 2. "Damage" means any impact upon or removal of support from an  
4 underground facility as a result of explosion, excavation or  
5 demolition which according to the operating practices of the  
6 operator of the underground facilities would necessitate the repair  
7 thereof;

8 3. "Demolish" means to wreck, raze, render, move or remove a  
9 structure by means of any equipment or explosive;

10 4. "Demolition" means the act or operation of demolishing a  
11 structure;

12 5. "Excavate" means to dig, compress or remove earth, rock or  
13 other materials in or on the ground by use of mechanized equipment  
14 or blasting, including, but not necessarily limited to, augering,  
15 boring, backfilling, drilling, grading, pile driving, plowing in,  
16 pulling in, trenching, tunneling and plowing; provided, however,  
17 that neither:

18 a. the moving of earth by tools manipulated only by human  
19 or animal power, except in a private or public  
20 easement or right-of-way, nor

21 b. any form of cultivation for agricultural purposes, nor  
22 any augering, dozing by noncommercial dozer operators  
23 or digging for postholes, farm ponds, land clearing or  
24 other normal agricultural purposes, nor

- c. routine maintenance, nor
- d. work by a public agency or its contractors on a preengineered project, nor
- e. work on a certified project, nor
- f. work on a permitted project, nor
- g. the opening of a grave in a cemetery, nor
- h. a solid waste disposal site which is a preengineered project, nor
- i. any individual excavating on his or her own property and who is not in the excavating business for hire, except in a private or public easement or right-of-way,

shall be deemed excavation;

6. "Excavation" means the act or operation of excavating;

7. "Excavator" means a person or public agency that intends to excavate or demolish within the State of Oklahoma;

8. "Notification center" means the statewide center currently known as the Oklahoma One-Call System, Inc., which has as one of its purposes to receive notification of planned excavation and demolition in a specified area from excavators, and to disseminate such notification of planned excavation or demolition to operators who are members and participants;

9. "Operator" shall mean and include any person or public agency owning or operating underground facilities;

1        10. "Permitted project" means a project where a permit for the  
2 work to be performed must be issued by a state or federal agency  
3 and, as a prerequisite to receiving such permit, the applicant must  
4 locate all underground facilities in the area of the work and in the  
5 vicinity of any blasting and notify each owner of such underground  
6 facilities;

7        11. "Person" includes any individual, partnership, corporation,  
8 association, cooperative, trust or other entity, including a person  
9 engaged as a contractor by a public agency, but not including a  
10 public agency;

11        12. "Preengineered project" means a public project wherein the  
12 public agency responsible for such project, as part of its  
13 engineering and contract procedures, holds a meeting prior to the  
14 commencement of any construction work on such project in which all  
15 persons, determined by the public agency to have underground  
16 facilities located within the construction area of the project, are  
17 invited to attend and given an opportunity to verify or inform the  
18 public agency of the location of their underground facilities, if  
19 any, within the construction area and where the location of all  
20 known underground facilities are duly located or noted on the  
21 engineering drawing and specifications for the project;

22        13. "Public agency" means the state or any board, commission or  
23 agency of the state;

1        14. "Routine maintenance" means the grading of roads and barrow  
2 or drainage ditches, the removal and replacement of pavement,  
3 including excavation relating thereto and the installation and  
4 maintenance of drainage and bridge facilities, signs, guardrails,  
5 and electrical and communications facilities in or on the public  
6 rights-of-way by a public agency; and

7        15. "Underground facility" means any underground line, cable,  
8 facility, system and appurtenances thereto, for producing, storing,  
9 conveying, transmitting or distributing communication (including  
10 voice, video, or data information), electricity, power, light, heat,  
11 intrastate and interstate gas pipelines, as described in 49 CFR Part  
12 192.1, intrastate and interstate hazardous liquid or carbon dioxide  
13 pipelines, as described in 49 CFR Part 195.1, water (including storm  
14 water), steam, sewage and other commodities and any oil and gas  
15 pipeline located in a public right-of-way.

16        SECTION 2. This act shall become effective November 1, 2019.

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