

HOUSE BILL

048

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HB0048

AN ACT to amend W.S. 37-12-301(a)(ii), (iv) and by creating new paragraphs (v) and (vi) and renumbering (v) as (vii), 37-12-302(a) through (d), (f) and by creating a new subsection (h) and 37-12-304 relating to underground utility facilities; requiring a one-call system for underground facilities as specified; providing requirements; providing definitions; providing penalties; and providing for an effective date.

Introduced by:

Wayne D. Johnson

HOUSE ACTION ON HOUSE BILL

1113 ☒ Introduced
 Aye ___ No ___ Ex ___ Ab ___
☒ Read First Time and Ref. to
 Committee No. 8
☐ Failed Introduction Died in Com
 Aye ___ No ___ Ex ___ Ab ___
 Returned from Committee No. ___
 with Recommendation:
☐ Do Pass; ☐ Amend & Do
 Pass; ☐ Do Not Pass;
☐ W/O Recomm; ☐ Re-Refer to
 Committee No. ___
 Re-referred to Committee No. ___
 Returned from Committee No. ___
 with Recommendation:
☐ Do Pass; ☐ Amend & Do
 Pass; ☐ Do Not Pass;
☐ W/O Recomm; ☐ Re-Refer to
 Committee No. ___
 Considered in Comm. of Whole
☐ Amended
☐ Recommended Do Pass
☐ Failed Comm. of Whole
☐ Indefinitely Postponed
☐ Other: ___
 Read Second Time
☐ Amended
☐ Do Pass
☐ Do Not Pass
☐ Accelerated to 3rd Rdg.
 Read Third Time
☐ Amended
☐ Passed ☐ Failed
 Aye ___ No ___ Ex ___ Ab ___
☐ Held for Reconsideration
 Motion to Reconsider
☐ Passed ☐ Failed
 Aye ___ No ___ Ex ___ Ab ___
 Third Reading Vote
 (On Reconsideration)
☐ Passed ☐ Failed
 Aye ___ No ___ Ex ___ Ab ___
 Sent to Senate (No Amendments)
 Sent to LSO for Engraving
 ENGROSSED
 Sent to Senate

SENATE ACTION ON HOUSE BILL

Received. Read First Time.
 Referred to Committee No. ___
 Returned from Committee No. ___
 with Recommendation:
☐ Do Pass; ☐ Amend & Do
 Pass; ☐ Do Not Pass;
☐ W/O Recomm; ☐ Re-Refer to
 Committee No. ___
 Re-referred to Committee No. ___
 Returned from Committee No. ___
 with Recommendation:
☐ Do Pass; ☐ Amend & Do
 Pass; ☐ Do Not Pass;
☐ W/O Recomm; ☐ Re-Refer to
 Committee No. ___
 Considered in Comm. of Whole
☐ Amended
☐ Recommended Do Pass
☐ Failed Comm. of Whole
☐ Indefinitely Postponed
☐ Other: ___
 Read Second Time
☐ Amended
☐ Do Pass
☐ Do Not Pass
☐ Accelerated to 3rd Rdg.
 Read Third Time
☐ Amended
☐ Passed ☐ Failed
 Aye ___ No ___ Ex ___ Ab ___
☐ Held for Reconsideration
 Motion to Reconsider
☐ Passed ☐ Failed
 Aye ___ No ___ Ex ___ Ab ___
 Third Reading Vote
 (On Reconsideration)
☐ Passed ☐ Failed
 Aye ___ No ___ Ex ___ Ab ___
 Sent to House
 Sent for Enrolling
 HEA No. ___
 Signed by Speaker
 Signed by President
 Approved by Governor
 Chapter No. ___

HOUSE BILL 0048

INTRODUCED

1995

STATE OF WYOMING

95LSO-0185.01

HOUSE BILL NO. 0048

One-call center.

Sponsored by: Representative(s) JOHNSON

A BILL

for

1 AN ACT to amend W.S. 37-12-301(a)(ii), (iv) and by creat-
2 ing new paragraphs (v) and (vi) and renumbering (v) as
3 (vii), 37-12-302(a) through (d), (f) and by creating a new
4 subsection (h) and 37-12-304 relating to underground util-
5 ity facilities; requiring a one-call system for under-
6 ground facilities as specified; providing requirements;
7 providing definitions; providing penalties; and providing
8 for an effective date.

9 Be It Enacted by the Legislature of the State of Wyoming:

10 Section 1. W.S. 37-12-301(a)(ii), (iv) and by creat-
11 ing new paragraphs (v) and (vi) and renumbering (v) as
12 (vii), 37-12-302(a) through (d), (f) and by creating a new

=====
LEGEND: Underlined = New text added to existing statutes
Stricken = Text deleted from existing statutes
=====

- 1 -

**NO SIGNIFICANT FISCAL OR
PERSONNEL IMPACT AT STATE LEVEL**

HB 48

1 subsection (h) and 37-12-304 are amended to read:

2 37-12-301. DEFINITIONS.

3 (a) As used in this act:

4 (ii) "Excavation" means any operation in which
5 earth, rock or other material on or below the ground is
6 moved or otherwise displaced by means of power tools,
7 power equipment or explosives, and includes grading,
8 trenching, digging, ditching, drilling, augering, tunnel-
9 ing, scraping and cable or pipe blowing--and-driving
10 installing, except tilling of soil and gardening or agri-
11 cultural purposes;

12 (iv) "Underground facility" means any item of
13 personal property buried or placed below ground for use in
14 connection with the storage or conveyance of water, sew-
15 age, electronic, telephonic or telegraphic communications,
16 cable television, electric energy, oil, gas, hazardous
17 liquids or other substances and including but not limited
18 to pipes, sewers, conduits, cables, valves, lines, wires,
19 manholes, and attachments, ~~and these parts of poles~~ below
20 ground privately owned underground facilities on private
21 property that are in an area where excavation activities
22 are in the complete control of the facility owner are not

1 subject to the provisions of this act;

2 (v) "One-call center" means a group of persons
3 having underground facilities who have jointly established
4 a "one-call system" in a specific area to permit notifica-
5 tion by any person involved in excavation activities;

6 (vi) "Emergency" means an occurrence which
7 demands immediate action to prevent loss of life, health,
8 property or essential public services;

9 {v} (vii) "This act" means W.S. 37-12-301 through
10 37-12-304.

11 37-12-302. PUBLIC UTILITIES TO FILE NAMES AND
12 ADDRESSES OF OWNERS OF UNDERGROUND FACILITIES WITH COUNTY
13 CLERK; NOTICE OF EXCAVATION BY EXCAVATOR; PUBLIC UTILITIES
14 TO SUPPLY INFORMATION UPON NOTICE; EXCEPTIONS.

15 (a) ~~Every person having the right to bury underground~~
16 ~~facilities shall file with the county clerk in each county~~
17 ~~where --- underground --- facilities --- are --- located --- a --- general~~
18 ~~description of the area served --- together --- with --- the --- name,~~
19 ~~address --- and telephone number of the person in that county~~
20 ~~from whom necessary information may be obtained concerning~~
21 ~~the location of underground facilities within that county.~~

1 In counties where an-association a one-call center pursu-
2 ant to W.S. 37-12-304 is established, the name, address
3 and telephone number of the association one-call center
4 shall be filed with the county clerk on behalf of all par-
5 ticipating members.

6 (b) Architects, engineers, or other persons designing
7 or requiring excavation shall obtain information from per-
8 sons with underground facilities, as to the nature, and
9 location and elevation, if known, of underground facili-
10 ties or, if the information is not available, shall deter-
11 mine the nature, location and elevation, where practical,
12 of the underground facilities and then make such the
13 information and location a part of the plan by which the
14 contractors excavators operate.

15 (c) Except as hereafter provided, no person shall
16 make or begin excavation without first notifying any per-
17 son having underground facilities in the area of the pro-
18 posed excavation. except-an-employee-with-respect-to-his
19 employer's-facility: Notice shall be given by telephone
20 or in person:---If-an-association-exists at least forty-
21 eight (48) hours, but not more than ten (10) business days
22 prior to any excavation to a one-call center existing
23 within the county area pursuant to W.S. 37-12-304. ;

1 Notice to the association one-call center is notice to
2 each member thereof in the county area. In areas where
3 more than one (1) one-call center operates, notification
4 of the following information to all one-call centers in
5 the area is required:

6 (i) Name of the person notifying the system;

7 (ii) Name, address and telephone number of the
8 excavator;

9 (iii) Location, starting date and description of
10 the intended activity.

11 (d) A person shall, upon receipt of the notice pro-
12 vided for in subsection (c) of this section, advise the
13 excavator of the location, and size, depth, function and
14 other relevant characteristics of underground facilities,
15 such as contents, pressure, voltage and material composi-
16 tion in the proposed excavation area by-marking and shall
17 mark the location of the facilities with stakes, paint or
18 by other clearly identifiable marking within eighteen (18)
19 inches horizontally from the exterior sides of the under-
20 ground facilities, ~~and the depth of the underground facil-~~
21 ~~ity;~~ if known. The location shall be marked using Ameri-
22 can public works association color standards. The person

1 providing information shall respond no later than two--{2}
2 full-business-days forty-eight (48) hours after receipt of
3 the notice or at a time mutually agreed to by the parties.

4 (f) If information requested pursuant to subsections
5 (c) and (d) of this section is not provided within the
6 time specified therein, or if the information provided
7 fails to identify the location of the underground facili-
8 ties in accordance with subsection (d) of this section,
9 then any person damaging or injuring underground facili-
10 ties shall not be liable for such damage or injury except
11 on proof of negligence. However, if information requested
12 pursuant to subsections (c) and (d) of this section is
13 provided within the time specified therein, and if the
14 information provided sufficiently identifies the location
15 of the underground facilities in accordance with subsec-
16 tion (d) of this section, then any person damaging or
17 injuring underground facilities shall be strictly liable
18 for all damage or injury to persons on property including
19 consequential damages.

20 (h) Any person who knowingly and willfully violates
21 the provisions of subsection (c) or (d) of this section or
22 W.S. 37-12-303 is subject to a civil penalty of an amount
23 not to exceed five thousand dollars (\$5,000.00). An

1 action may be brought by the attorney general or district
2 attorney for enforcement of the civil penalty pursuant to
3 this section.

4 37-12-304. ONE-CALL CENTERS; FORMATION; DUTIES.

5 (a) ~~Two--(2)--or--more--public--utilities;--municipalities~~
6 ~~or--other~~ Persons having underground facilities may shall
7 form an-association a one-call center providing for mutual
8 receipt of notification of excavation activities in a
9 specified area. In areas where an-association a one-call
10 center is formed, ~~public--utilities;--municipalities--or~~
11 ~~other~~ all persons with underground facilities in the area
12 shall become members of the association one-call center,
13 receive the service furnished by the association one-call
14 center and pay their share of the cost for the service
15 provided. Persons not subject to the Natural Gas Pipeline
16 Safety Act of 1968 shall become members of any available
17 one-call center of their choice.

18 (b) ~~The-association~~ Each one-call center shall:

19 (i) File with the county clerk -a- the telephone
20 number and description of the geographical area served by
21 the association one-call center;

1 (ii) ~~List the name, address and telephone number~~
2 ~~of every member and submit the list to the county clerk;~~
3 and Inform all other one-call systems serving the same
4 area of its telephone number and exact area served;

5 (iii) Maintain adequate records documenting com-
6 pliance with the requirements of this act, : including the
7 following:

8 (A) Records of all telephone calls;

9 (B) Records of all location requests which
10 shall be retained for fifty (50) months and can be printed
11 through use of a unique file numbering system developed by
12 the one-call center.

13 (iv) Provide the service at minimum during nor-
14 mal business hours, Monday through Friday, excluding legal
15 holidays;

16 (v) For calls received after normal business
17 hours for the one-call center, provide a recording for
18 callers which explains emergency notification and excava-
19 tion procedures;

20 (vi) Provide a timely method for notifying par-
21 ticipating members of the information received regarding

1 proposed excavation activities. The method of notifica-
2 tion shall be determined by each one-call system;

3 (vii) Provide to persons giving notice of an
4 intent to engage in an excavation activity the names of
5 participating operators of underground facilities to whom
6 the notice will be transmitted and the names and telephone
7 numbers of all other qualified one-call systems serving
8 that area.

9 Section 2. This act is effective July 1, 1995.

10 (END)