

1 ENGROSSED HOUSE
2 BILL NO. 3407

By: Watson of the House

and

Allen of the Senate

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7 An Act relating to public health and safety; amending
8 63 O.S. 2011, Section 142.2, as amended by Section 1,
9 Chapter 192, O.S.L. 2017 (63 O.S. Supp. 2017, Section
10 142.2), which relates to the Oklahoma Underground
11 Facilities Damage Prevention Act; modifying
12 definition; and providing an effective date.

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

14 SECTION 1. AMENDATORY 63 O.S. 2011, Section 142.2, as
15 amended by Section 1, Chapter 192, O.S.L. 2017 (63 O.S. Supp. 2017,
16 Section 142.2), is amended to read as follows:

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

19 1. "Certified project" means a project where the public agency
20 responsible for the public project, as part of its procedure,
21 certifies that the project right-of-way is free and clear of
22 underground facilities or wherein the public agency responsible for
23 such project, as part of its procedure, notifies all persons
24 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, nor

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

24 c. routine maintenance, nor

- 1 d. work by a public agency or its contractors on a
2 preengineered project, nor
3 e. work on a certified project, nor
4 f. work on a permitted project, nor
5 g. the opening of a grave in a cemetery, nor
6 h. a solid waste disposal site which is a preengineered
7 project, ~~nor~~
8 ~~i. any individual excavating on his own property and who~~
9 ~~is not in the excavating business for hire,~~

10 shall be deemed excavation;

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

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

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

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

22 10. "Permitted project" means a project where a permit for the
23 work to be performed must be issued by a state or federal agency
24 and, as a prerequisite to receiving such permit, the applicant must

1 locate all underground facilities in the area of the work and in the
2 vicinity of any blasting and notify each owner of such underground
3 facilities;

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

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

19 13. "Public agency" means the state or any board, commission or
20 agency of the state;

21 14. "Routine maintenance" means the grading of roads and barrow
22 or drainage ditches, the removal and replacement of pavement,
23 including excavation relating thereto and the installation and
24 maintenance of drainage and bridge facilities, signs, guardrails,

1 and electrical and communications facilities in or on the public
2 rights-of-way by a public agency; and

3 15. "Underground facility" means any underground line, cable,
4 facility, system and appurtenances thereto, for producing, storing,
5 conveying, transmitting or distributing communication (including
6 voice, video, or data information), electricity, power, light, heat,
7 refined petroleum products, water (including storm water), steam,
8 sewage and other commodities. Underground facilities shall also
9 mean oil and natural gas pipelines that are subject to the Hazardous
10 Liquid Transportation System Safety Act and natural gas pipelines
11 subject to the jurisdiction of the Oklahoma Corporation Commission
12 Pipeline Safety Department, and any oil and gas pipeline located in
13 a public right-of-way.

14 SECTION 2. This act shall become effective November 1, 2018.

15 Passed the House of Representatives the 13th day of March, 2018.

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18 Presiding Officer of the House
of Representatives

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20 Passed the Senate the ___ day of _____, 2018.

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23 Presiding Officer of the Senate

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