

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 3611

By: O'Donnell

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5
6 AS INTRODUCED

7 An Act relating to public health and safety; amending
8 63 O.S. 2011, Section 142.6, as last amended by
9 Section 2, Chapter 148, O.S.L. 2019 (63 O.S. Supp.
10 2019, Section 142.6), which relates to notice of
11 proposed demolition, explosion or excavation;
12 modifying information required to be provided in
13 certain notice; and providing an effective date.

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

15 SECTION 1. AMENDATORY 63 O.S. 2011, Section 142.6, as
16 last amended by Section 2, Chapter 148, O.S.L. 2019 (63 O.S. Supp.
17 2019, Section 142.6), is amended to read as follows:

18 Section 142.6 A. Before an excavator shall demolish a
19 structure, discharge any explosive or commence to excavate in a
20 highway, street, alley or other public ground or way, on or near the
21 location of an operator's underground facilities, or a private
22 easement, such excavator shall first notify all operators in the
23 geographic area defined by the notification center who have on file
24 with the notification center a notice pursuant to Section 142.3 of
this title to determine whether any operators have underground

1 facilities in or near the proposed area of excavation or demolition.
2 When an excavator has knowledge that an operator does not have
3 underground facilities within the area of the proposed excavation,
4 the excavator need not notify the operator of the proposed
5 excavation. However, an excavator shall be responsible for damage
6 to the underground facilities of an operator if the notification
7 center was not notified. Notice shall be given no more than ten
8 (10) days nor less than forty-eight (48) hours, excluding the date
9 of notification, Saturdays, Sundays and legal holidays, prior to the
10 commencement of the excavation or demolition.

11 B. Each operator served with notice in accordance with
12 subsection A of this section either directly or by notice to the
13 notification center shall, prior to the date and time work is
14 scheduled to begin, unless otherwise agreed to between the excavator
15 and operator, locate and mark or otherwise provide the approximate
16 location of the underground facilities of the operator in a manner
17 as to enable the excavator to employ hand-dug test holes to
18 determine the precise location of the underground facilities in
19 advance of excavation. For the purpose of this act, the approximate
20 location of the underground facilities shall be defined as a strip
21 of land two (2) feet on either side of such underground facilities.
22 Whenever an operator is served with notice of an excavation or
23 demolition and determines that the operator does not have
24 underground facilities located within the proposed area of

1 excavation or demolition, the operator shall communicate this
2 information to the excavator originating the notice prior to the
3 commencement of such excavation or demolition.

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

12 D. Every notice given by an excavator to an operator pursuant
13 to this section or to the notification center pursuant to Section
14 142.3 of this title shall contain at least the following
15 information:

- 16 1. The name of the individual serving such notice;
- 17 2. The location of the proposed area of excavation or
18 demolition;
- 19 3. The name, address and telephone number of the excavator or
20 excavator's company;
- 21 4. The excavator's field telephone number, if one is available;
- 22 5. The type and the extent of the proposed work, not to exceed
23 one thousand (1,000) linear feet;

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1 6. Whether or not the discharging of explosives is anticipated;
2 and

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

4 E. In marking the approximate location of underground
5 facilities, an operator shall follow the standard color coding
6 described herein:

7 OPERATOR AND TYPE OF PRODUCT	SPECIFIC GROUP IDENTIFYING COLOR
8 Electric Power Distribution	
9 and Transmission	Safety Red
10 Municipal Electric Systems	Safety Red
11 Gas Distribution and	
12 Transmission	High Visibility Safety Yellow
13 Oil Distribution and	
14 Transmission	High Visibility Safety Yellow
15 Dangerous Materials, Product	
16 Lines, Steam Lines	High Visibility Safety Yellow
17 Telephone and Telegraph	
18 Systems	Safety Alert Orange
19 Police and Fire	
20 Communications	Safety Alert Orange
21 Cable Television	Safety Alert Orange
22 Water Systems	Safety Precaution Blue
23 Slurry Systems	Safety Precaution Blue
24 Sewer Systems	Safety Green

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

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