

1 **PUBLIC UTILITIES - SEWER LINES**

2 1999 GENERAL SESSION

3 STATE OF UTAH

4 **Sponsor: Gene Davis**

5 AN ACT RELATING TO DAMAGE TO UNDERGROUND UTILITY FACILITIES;  
6 AMENDING THE DEFINITION OF UNDERGROUND FACILITY TO INCLUDE A SEWER  
7 LATERAL.

8 This act affects sections of Utah Code Annotated 1953 as follows:

9 AMENDS:

10 **54-8a-2**, as last amended by Chapter 198, Laws of Utah 1998

11 *Be it enacted by the Legislature of the state of Utah:*

12 Section 1. Section **54-8a-2** is amended to read:

13 **54-8a-2. Definitions.**

14 As used in this chapter:

15 (1) "Association" means two or more operators organized to receive notification of  
16 excavation activities in a specified area, as provided by Section 54-8a-9.

17 (2) "Emergency" means an occurrence necessitating immediate action to prevent or  
18 mitigate loss of, or damage to, life, health, property, or essential public services.

19 (3) "Excavate" or "excavation" means an operation in which earth, rock, or other material  
20 on or below the ground is moved or displaced by tools, equipment, or explosives.

21 (4) "Excavator" means any person or entity that excavates or conducts excavation  
22 activities.

23 (5) "48 hours" means a 48-hour period occurring during business days which includes any  
24 day except Saturday, Sunday, or a legal holiday.

25 (6) "Location request assignment" means a number assigned to a proposed excavation by  
26 an association or operator upon receiving notice of the proposed excavation from the excavator.

27 (7) (a) "Operator" means a person or entity which owns, operates, or maintains

28 underground facilities.

29 (b) "Operator" does not include an owner of real property where underground facilities are:

30 (i) located solely within the property;

31 (ii) used exclusively to furnish services on the property; and

32 (iii) maintained under the operation and control of that owner.

33 (8) "Person" includes individuals, government entities, corporations, partnerships,  
34 associations, and companies and their trustees, receivers, assignees, and personal representatives.

35 (9) (a) "Underground facility" means personal property that is buried or placed below

36 ground level for use in the storage or conveyance of any of the following:

37 [(a)] (i) water;

38 [(b)] (ii) sewage;

39 [(c)] (iii) communications, including electronic, photonic, telephonic, or telegraphic  
40 communications;

41 [(d)] (iv) television, cable television, or other telecommunication signals, including  
42 transmission to subscribers of video or other programming;

43 [(e)] (v) electric power;

44 [(f)] (vi) oil, gas, or other fluid and gaseous substances;

45 [(g)] (vii) steam;

46 [(h)] (viii) slurry; or

47 [(i)] (ix) dangerous materials or products.

48 (b) "Underground facility" includes a sewer lateral that runs from an operator's main sewer  
49 line and connects to a home, commercial building, or other structure whether or not the sewer  
50 lateral is owned, operated, or maintained by the operator.

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### Legislative Review Note

as of 2-19-99 8:26 AM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel