

S.B. 224

DAMAGE TO UNDERGROUND UTILITY FACILITIES

HOUSE FLOOR AMENDMENTS

AMENDMENT 4

FEBRUARY 27, 2001 7:52 AM

Representative **Ure** proposes the following amendments:

1. Page 1, Line 9: After "**resolution.**" insert "**This act addresses liability issues.**"
2. Page 1, Line 12: After line 12 insert:
"**54-8a-6**, as last amended by Chapter 198, Laws of Utah 1998"
3. Page 3, Line 67
Goldenrod
Senate 3rd Reading Amendments
2-26-2001:
After line 67 insert:
"Section 2. Section **54-8a-6** is amended to read:
54-8a-6. Duties and liabilities of the person who excavates.
(1) Damage to an underground facility by an excavator who excavates but fails to comply with Section 54-8a-4, is prima facie evidence that the excavator is liable for any damage caused by the negligence of that excavator.
(2) (a) An excavator is not liable for damage to an underground facility if [~~he or she~~] the excavator has:
(i) given proper notice of the proposed excavation as required in this chapter;
(ii) marked the area of the proposed excavation as required in Section 54-8a-4;
(iii) complied with Section 54-8a-5.5; and
(iv) complied with Section 54-8a-7.
(b) An excavator is not liable for damage to an underground facility if an operator:
(i) has failed to comply with Section 54-8a-5 or 54-8a-9; or
(ii) places or buries an underground facility at a depth that does not meet the standards imposed on the operator of the underground facility by the entity that:
(A) regulates the operator; or
(B) sets the industry standards generally applicable to the placement or burying of the underground facility by an operator."

Re-number remaining sections accordingly.