



House of Representatives *State of Utah*

UTAH STATE CAPITOL COMPLEX • 350 STATE CAPITOL
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February 8, 2008

Mr. Speaker:

The Public Utilities and Technology Committee reports a favorable recommendation on **H.B. 341, DAMAGE TO UNDERGROUND UTILITY FACILITIES AMENDMENTS**, by Representative D. Clark, with the following amendments:

1. *Page 1, Line 21:*

21 { ~~_____~~ addresses liability of an excavator; }

2. *Page 3, Lines 64 through 65:*

64 [2] (3) "Emergency" means an occurrence or suspected natural gas leak
necessitating immediate action to prevent
65 or mitigate loss of, or damage to, life, health, property, or essential public services.

3. *Page 5, Lines 140 through 145:*

140 (b) The requirements of Subsection (1)(a) do not apply:
141 (i) if there is an emergency;
142 (ii) while gardening; {+} or {+}
143 (iii) while tilling private ground {+} . {+} {;or
144 ~~(iv) while probing with an industry-approved probe bar to determine the~~
presence or
145 extent of a natural gas leak in the ground. }

4. *Page 6, Line 155:*

155 (i) location , with reasonable specificity ;

5. *Page 7, Line 204:*

204 (ii) notify the excavator, by telephonic or electronic message or indication at the
excavation site, that

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6. Page 9, Line 266:

266 (b) An operator may waive . in writing or electronically, the requirement that
the excavator determine the exact

7. Page 10, Lines 286 through 289:

286 (b) An excavator is [not] liable for damage {~~to an underground~~
~~facility~~} incurred by an operator if [an operator
287 has failed to comply with Section 54-8a-5 or 54-8a-9.];
288 (i) the operator complies with Section 54-8a-5; and
289 (ii) the damage occurs within 24 inches of the operator's markings.

8. Page 10, Lines 290 through 291:

290 {~~(3) Notwithstanding Subsection 54-8a-4(1)(b)(i), an excavator is liable for~~
~~damage to~~
291 an underground facility that occurs during an emergency.}

9. Page 10, Lines 297 through 298:

297 (b) immediately call 911 if the excavation {~~results~~} may result in {~~the~~
~~escape of a flammable gas or~~
298 toxic or corrosive gas or liquid, or damages an electrical line} an immediate risk
to human life .

10. Page 11, Lines 311 through 321:

311 (3) Notwithstanding Subsection (2)(a) a penalty under this chapter may not be
312 imposed {~~:~~
313 ~~(a)~~} on an excavator or operator unless the excavator or operator fails to
comply with this chapter and damages
314 an underground facility {~~:~~ or
315 ~~(b) on an operator unless:~~

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316 ~~—(i) (A) the operator fails to respond to a location request under Section 54-8a-5~~
~~in order~~
317 ~~to prevent damage to the facility; or~~
318 ~~—(B) the operator fails to take reasonable steps, in response to a location request,~~
~~to~~
319 ~~ensure accurate marking of the facility in order to prevent damage to the facility; and~~
320 ~~—(ii) damage occurs to an underground facility as a result of the operator's failure~~
~~under~~
321 ~~Subsection (3)(b)(i)(A) or (B).}~~ .

Respectfully,

Michael E. Noel
Committee Chair

Voting: 10-1-0

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