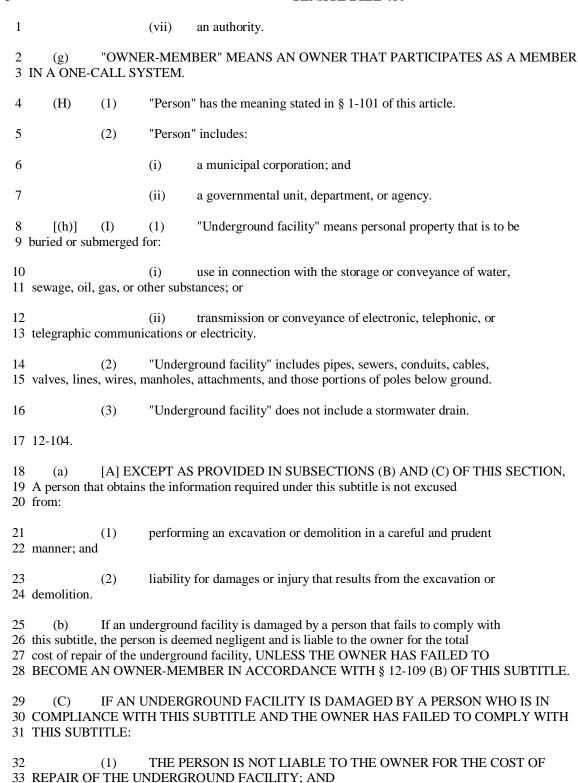
Unofficial Copy C5 2000 Regular Session 0lr0944

By: Senator Colburn Introduced and read first time: February 4, 2000 Assigned to: Finance						
Committee Report: Favorable Senate action: Adopted Read second time: March 8, 2000						
	CHAPTER					
1 A	AN ACT concerning					
2 3						
4 F 5 6 7 8 9	FOR the purpose of limiting the liability of a person who damages certain underground facilities due to excavation or demolition under certain circumstances; providing that an owner of certain underground facilities is liable for certain damages due to excavation or demolition under certain circumstances; defining a certain term; providing for the application of this Act; and generally relating to liability for certain damages due to excavation or demolition.					
11 1 12 13 14 15 16	BY repealing and reenacting, with amendments, Article - Public Utility Companies Section 12-101 Annotated Code of Maryland (1998 Volume and 1999 Supplement) (As enacted by Chapter 650 of the Acts of the General Assembly of 1999)					
17 1 18 19 20 21	BY repealing and reenacting, with amendments, Article - Public Utility Companies Section 12-104 Annotated Code of Maryland (1998 Volume and 1999 Supplement)					
22 I 23	BY repealing and reenacting, without amendments, Article - Public Utility Companies					

1 2 3	Section 12-109 Annotated Code of Maryland (1998 Volume and 1999 Supplement)					
4 5	SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:					
6	Article - Public Utility Companies					
7	12-101.					
8	(a)	In this s	ubtitle the	e following words have the meanings indicated.		
9 10	(b) demolitions.	(1)	"Contractor" means a person that performs excavations or			
11 12	demolitions	(2) under a c	"Contractor" includes a person that performs excavations or a contract or subcontract.			
13 14	(c) is wrecked,	"Demolition" means an operation in which a structure or mass of material razed, rended, moved, or removed using any tool, equipment, or explosive.				
		(d) (1) "Excavation" means an operation in which earth, rock, or other aterial in or on the ground is moved, removed, or otherwise displaced by using any ol, equipment, or explosive.				
18 19	augering, tu	(2) nnelling,		ation" includes grading, trenching, digging, ditching, drilling, cable or pipe plowing and driving a mass of material.		
20 21	0 (e) "One-call system" means a communications network in the State that 1 allows a person to telephone a one-number utility protection system.					
22	(f)	(1)	"Owner	" means a person that:		
23			(i)	owns or operates an underground facility; and		
24			(ii)	has the right to bury an underground facility.		
25	(2) "Owner" includes:			" includes:		
26			(i)	a public utility;		
27			(ii)	a telecommunications corporation;		
28			(iii)	a cable television corporation;		
29			(iv)	a political subdivision;		
30			(v)	a municipal corporation;		
31			(vi)	a steam heating company; and		



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- 1 (2) THE OWNER IS LIABLE FOR ANY REPAIRS OR RESTORATION OF 2 PROPERTY DAMAGED BY THE EXCAVATION OR DEMOLITION.
- 3 12-109.
- 4 (a) Each owner shall file notice with and submit to the Commission in writing
- 5 the telephone number of the person in each county to which calls concerning proposed
- 6 excavations or demolitions are to be directed.
- 7 (b) Each owner shall be a member of a one-call system that has filed a 8 telephone number with the Commission on behalf of all owner-members.
- 9 (c) Excluding Saturdays, Sundays, and legal holidays, within 48 hours after
- 10 receiving notice from a person under § 12-108 of this subtitle, an owner shall
- 11 determine if a proposed excavation or demolition:
- 12 (1) is within 5 feet of the horizontal plane of an underground facility; or
- 13 (2) because of planned blasting, is in such proximity to an underground 14 facility that the underground facility may be damaged or disturbed.
- 15 (d) Excluding Saturdays, Sundays, and legal holidays, within 48 hours after
- 16 receiving the person's notice under § 12-108 of this subtitle, an owner that
- 17 determines under subsection (c) of this section that an underground facility may be
- 18 damaged or disturbed shall notify the person of the determination.
- 19 (e) An owner that elects to perform a proposed excavation or demolition shall
- 20 perform the excavation or demolition around the underground facility in a timely
- 21 manner.
- 22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
- 23 construed only prospectively and may not be applied or interpreted to have any effect
- 24 on or application to any cause of action for damages to an underground facility arising
- 25 before the effective date of this Act.
- 26 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
- 27 October 1, 2000.