

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL NO. 754

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “repealing” in line 5 down through “hours” in line 12 and substitute “providing that certain incidental drivers employed by or under contract with a utility company are exempt from certain requirements during a certain utility emergency if the utility company has prefiled certain information with the Secretary of Transportation or the Secretary’s designee; requiring the Secretary or the Secretary’s designee to require certain information, make a certain determination, and notify a utility company of certain matters under certain circumstances; providing for renewal of a certain utility emergency under certain circumstances”; and in line 13, strike “distribution” and substitute “disruption”.

AMENDMENT NO. 2

On page 2, in line 1, strike “WHO”; in line 2, after “(I)” insert “WHO”; in line 4, after “(II)” insert “WHOSE PRIMARY EMPLOYMENT BY OR CONTRACTUAL AGREEMENT WITH THE UTILITY COMPANY”; and strike beginning with “REQUIRED” in line 4 down through “COMPANY” in line 7 and substitute “AS A DRIVER OF A MOTOR VEHICLE; AND

(III) WHO DRIVES A MOTOR VEHICLE ONLY AS AN INCIDENTAL PART OF THE INDIVIDUAL’S EMPLOYMENT OR CONTRACTUAL AGREEMENT WITH THE UTILITY COMPANY”.

On page 3, in line 9, strike “SEWAGE DISPOSAL COMPANY,”; in the same line, strike “WATER COMPANY, OR”; and in line 10, after “COMPANY” insert “, OR WATER OR SEWER UTILITY”.

AMENDMENT NO. 3

On page 7, strike in their entirety lines 29 through 31, inclusive, and substitute:

(Over)

“(III) 1. NOTWITHSTANDING THE OTHER PROVISIONS OF THIS SUBSECTION AND § 14-107 OF THE PUBLIC SAFETY ARTICLE, DURING A UTILITY EMERGENCY AN INCIDENTAL DRIVER SHALL BE EXEMPT FROM PART 395 OF THE FEDERAL MOTOR CARRIER SAFETY REGULATIONS IF THE UTILITY COMPANY HAS PREFILED, AS SPECIFIED BY THE SECRETARY OR THE SECRETARY’S DESIGNEE, A UTILITY EMERGENCY RESPONSE NOTIFICATION PLAN AND AN INCIDENTAL DRIVER SAFETY PLAN IN ACCORDANCE WITH THIS SUBPARAGRAPH.

2. A UTILITY EMERGENCY RESPONSE NOTIFICATION PLAN MUST INCLUDE THE UTILITY COMPANY’S PROCEDURE FOR NOTIFYING THE SECRETARY OR SECRETARY’S DESIGNEE WITHIN 4 HOURS AFTER THE UTILITY COMPANY RESPONDS TO A UTILITY EMERGENCY.

3. AN INCIDENTAL DRIVER SAFETY PLAN MUST INCLUDE THE PROCEDURES THAT THE UTILITY COMPANY WILL FOLLOW TO ENSURE THAT AN INCIDENTAL DRIVER WILL NOT DRIVE DURING A UTILITY EMERGENCY IF THE INCIDENTAL DRIVER HAS NOT HAD SUFFICIENT REST TO ENSURE THAT THE INCIDENTAL DRIVER MAINTAINS THE ABILITY TO DRIVE SAFELY.”.

AMENDMENT NO. 4

On page 8, in line 4, strike the brackets; in line 5, strike “3” and substitute “5”; and strike beginning with “NOTWITHSTANDING” in line 7 down through “SUBSECTION” in line 24 and substitute “ON NOTIFICATION BY A UTILITY COMPANY THAT IT IS RESPONDING TO A UTILITY EMERGENCY, THE SECRETARY OR SECRETARY’S DESIGNEE SHALL:

(I) REQUIRE THE UTILITY COMPANY TO INDICATE THE NATURE OF THE UTILITY EMERGENCY, THE AREAS THREATENED, THE CONDITIONS WHICH HAVE BROUGHT IT ABOUT, AND THE DURATION OF THE UTILITY COMPANY’S EXPECTED RESPONSE, NOT TO EXCEED 5 DAYS;

(II) DETERMINE WHETHER A UTILITY EMERGENCY, AS DEFINED IN THIS SECTION, EXISTED AT THE TIME OF THE UTILITY COMPANY’S RESPONSE AND, IF SO, DECLARE THAT A UTILITY EMERGENCY EXISTED STARTING

AT THAT TIME; AND

(III) IF A UTILITY EMERGENCY DOES NOT EXIST, NOTIFY THE UTILITY COMPANY THAT IT IS NOT ENTITLED TO AND MAY NOT EXERCISE THE RELIEF PROVIDED TO INCIDENTAL DRIVERS UNDER SUBSECTION (J) OF THIS SECTION.

(2) A UTILITY EMERGENCY TO WHICH A UTILITY COMPANY RESPONDS MAY NOT EXTEND MORE THAN 5 DAYS AFTER THE DATE THAT THE UTILITY COMPANY FIRST NOTIFIES THE SECRETARY OR SECRETARY'S DESIGNEE OF ITS RESPONSE UNLESS:

(I) THE UTILITY COMPANY PROVIDES A RENEWAL NOTIFICATION TO THE SECRETARY OR SECRETARY'S DESIGNEE; AND

(II) THE SECRETARY OR SECRETARY'S DESIGNEE DOES NOT REJECT THE RENEWAL".