

Chapter 676

(House Bill 696)

AN ACT concerning

**Public Utilities – Maryland Underground Facilities Damage Prevention
Authority – Funding**

FOR the purpose of authorizing the Maryland Underground Facilities Damage Prevention Authority to collect an assessment or a charge not exceeding a certain amount per ticket under certain circumstances; specifying the circumstances under which the Authority may collect an assessment or a charge; providing for an exception to a certain limitation regarding sources of operational funding for the Authority; and generally relating to the Maryland Underground Facilities Damage Prevention Authority.

BY repealing and reenacting, without amendments,
Article – Public Utilities
Section 12–101(a), (b), (i), (j), (k), and (m)
Annotated Code of Maryland
(2010 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, with amendments,
Article – Public Utilities
Section 12–111
Annotated Code of Maryland
(2010 Replacement Volume and 2015 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
That the Laws of Maryland read as follows:

Article – Public Utilities

12–101.

- (a) In this subtitle the following words have the meanings indicated.
- (b) “Authority” means the Maryland Underground Facilities Damage Prevention Authority.
- (i) “One–call system” means a communications system in the State that:
 - (1) allows a person to notify owner–members of planned excavation or demolition by:
 - (i) calling a toll–free number or abbreviated dialing code; or

- (ii) initiating an interactive Internet ticket request; and
- (2) maintains an underground facilities information exchange system.
- (j) (1) “Owner” means a person that:
 - (i) owns or operates an underground facility; and
 - (ii) has the right to bury an underground facility.
- (2) “Owner” includes:
 - (i) a public utility;
 - (ii) a telecommunications corporation;
 - (iii) a cable television corporation;
 - (iv) a political subdivision;
 - (v) a municipal corporation;
 - (vi) a steam heating company;
 - (vii) an authority; and
 - (viii) a unit of the State.
- (k) “Owner–member” means an owner that participates as a member in a one–call system.
- (m) “Ticket” means a numbered document issued by a one–call system to notify owner–members that:

(1) a person intends to perform an excavation or demolition; or

(2) a designer has requested information on the location of underground facilities under § 12–131 of this subtitle.

12–111.

- (a) The Authority may obtain funding for its operational expenses from:

(1) a federal or State grant;

(2) filing fees and administrative fees for complaints heard by the Authority as authorized under § 12-112(b)(1) of this subtitle; [and]

(3) AN ADDITIONAL ASSESSMENT OR CHARGE PER TICKET AS AUTHORIZED UNDER SUBSECTION (B) OF THIS SECTION; AND

(4) any other source.

(b) **THE AUTHORITY MAY COLLECT AN ASSESSMENT OR A CHARGE NOT EXCEEDING 5 CENTS PER TICKET FROM AN OWNER-MEMBER IF THE ASSESSMENT OR CHARGE:**

(1) IS NOT IMPOSED ON A COUNTY OR A MUNICIPAL CORPORATION;
AND

(2) IS APPROVED BY A TWO-THIRDS VOTE OF ALL MEMBERS OF THE AUTHORITY.

(c) Except as provided in [subsection] SUBSECTIONS (a)(2) AND (B) of this section, the Authority may not impose a charge or assessment against any person, directly or indirectly, to obtain funding for its operational expenses.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2016.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 28, 2016.