

1 STATE OF OKLAHOMA

2 1st Session of the 59th Legislature (2023)

3 HOUSE BILL 2564

By: McBride

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5  
6 AS INTRODUCED

7 An Act relating to underground facilities; requiring  
8 operators install underground facility in certain  
9 consistent manner; amending 63 O.S. 2021, Section  
10 142.9a, which relates to damage to underground  
11 facilities; allowing excavators and property owners  
12 to seek certain damages; amending 63 O.S. 2021,  
13 Section 142.10, which relates to the statewide  
14 notification center; requiring notification center  
15 make certain website report; and providing an  
16 effective date.

17 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

18 SECTION 1. NEW LAW A new section of law to be codified  
19 in the Oklahoma Statutes as Section 142.14 of Title 63, unless there  
20 is created a duplication in numbering, reads as follows:

21 Operators shall be responsible for ensuring underground  
22 facilities are installed in a consistent manner. Installed  
23 underground facilities shall not deviate more than six (6) inches  
24 vertically in every one hundred (100) horizontal feet from the depth  
below existing ground elevation. Installed underground facilities  
shall not deviate more than six (6) inches horizontally in every one  
hundred (100) feet from either the edge of the easement or the

1 | agreed upon alignment given to the operator by the approving  
2 | easement or right-of-way owner when installing underground  
3 | facilities.

4 | SECTION 2. AMENDATORY 63 O.S. 2021, Section 142.9a, is  
5 | amended to read as follows:

6 | Section 142.9a A. Any excavator, except for a public agency,  
7 | who fails to comply with the Oklahoma Underground Facilities Damage  
8 | Prevention Act and who damages an underground facility owned or  
9 | operated by a nonprofit rural water corporation organized pursuant  
10 | to Section 863 of Title 18 of the Oklahoma Statutes or a rural water  
11 | district organized pursuant to the Rural Water, Sewer, Gas, and  
12 | Solid Waste Management Districts Act, shall be liable for the  
13 | underground damage to and responsible for the repair of such  
14 | facilities. Any new underground facilities installed on and after  
15 | September 1, 1992, shall contain materials capable of being detected  
16 | so that the facilities can be accurately located.

17 | B. Any excavator who damages or cuts an underground facility,  
18 | as a result of negligently failing to comply with the provisions of  
19 | the Oklahoma Underground Facilities Damage Prevention Act or as a  
20 | result of failing to take measures for the protection of an  
21 | underground facility shall be liable to the operator of the  
22 | underground facility for the repair of the damaged underground  
23 | facility.

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1 C. Except for public agencies, any excavator who by willful act  
2 or by reckless disregard of the rights of others, repeatedly  
3 violates the provisions of the Oklahoma Underground Facilities  
4 Damage Prevention Act and repeatedly damages underground facilities,  
5 thereby threatening the public health, safety, and welfare, may be  
6 enjoined by a court of competent jurisdiction from further  
7 excavation.

8 D. An excavator may recover damages from an operator for the  
9 cost of:

10 1. Locating abandoned underground facilities;

11 2. Hitting unmarked underground facilities or underground  
12 facilities that have been installed outside of designated easements  
13 or right-of-ways; and

14 3. Delays associated with an operator not locating underground  
15 facilities within a maximum of three (3) business days, unless a  
16 documented agreement is in place to delay the locate.

17 E. Excavators or property owners may recover damages from a  
18 operator for placing underground facilities outside of a designated  
19 easement or right-of-way.

20 SECTION 3. AMENDATORY 63 O.S. 2021, Section 142.10, is  
21 amended to read as follows:

22 Section 142.10 A. This act recognizes the value of and  
23 authorizes the establishment of a statewide notification center.

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1 B. Upon establishment, the notification center shall operate  
2 twenty-four (24) hours a day, seven (7) days a week. Notification,  
3 as required by Section 142.6 of this title, to operators who are  
4 members of or participants in the notification center, shall be  
5 given by notifying the notification center by telephone or other  
6 acceptable means of communication, the content of such notification  
7 to conform to Section 142.6 of this title.

8 C. All operators who have underground facilities within the  
9 defined geographical boundary of the notification center shall be  
10 required to be members in good standing of the notification center .

11 D. A suitable record shall be maintained by the notification  
12 center to document the receipt of the notices from excavators and  
13 positive responses from operators as required by this act.

14 E. The notification center shall be required to report on its  
15 website the number of underground facility hit reports, abandoned  
16 underground facility hit reports, and abandoned underground facility  
17 locates that are reported by excavators.

18 Public agencies, as defined in this act, shall have access to  
19 the record of underground facilities.

20 SECTION 4. This act shall become effective November 1, 2023.

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22 59-1-5175 JBH 12/28/22  
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