

1 STATE OF OKLAHOMA

2 1st Session of the 60th Legislature (2025)

3 HOUSE BILL 1666

By: Cantrell

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6 AS INTRODUCED

7 An Act relating to public health and safety; amending  
8 63 O.S. 2021, Section 142.2, as last amended by  
9 Section 1, Chapter 118, O.S.L. 2024 (63 O.S. Supp.  
10 2024, Section 142.2), which relates to definitions  
used in the Oklahoma Underground Facilities Damage  
Preventions Act; modifying definition; and providing  
an effective date.

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

15 SECTION 1. AMENDATORY 63 O.S. 2021, Section 142.2, as  
16 last amended by Section 1, Chapter 118, O.S.L. 2024 (63 O.S. Supp.  
17 2024, Section 142.2), is amended to read as follows:

18 Section 142.2. As used in the Oklahoma Underground Facilities  
19 Damage Prevention Act:

20 1. "Certified project" means a project where the public agency  
21 responsible for the public project, in consultation with the  
22 statewide one-call notification center, as part of its procedure,  
23 certifies that the project right-of-way is free and clear of  
24 underground facilities or wherein the public agency responsible for

1 such project, as part of its procedure, notifies all persons  
2 determined by the public agency to have underground facilities  
3 located within the construction right-of-way and certifies that all  
4 known underground facilities are duly located or noted on the  
5 engineering drawings for the project;

6 2. "Damage" means any impact upon or removal of support from an  
7 underground facility as a result of explosion, excavation or  
8 demolition which according to the operating practices of the  
9 operator of the underground facilities would necessitate the repair  
10 thereof;

11 3. "Demolish" means to wreck, raze, render, move or remove a  
12 structure by means of any equipment or explosive;

13 4. "Demolition" means the act or operation of demolishing a  
14 structure;

15 5. "Excavate" means to dig, compress or remove earth, rock or  
16 other materials in or on the ground by use of mechanized equipment  
17 or blasting, including, but not necessarily limited to, augering,  
18 boring, backfilling, drilling, grading, pile driving, plowing in,  
19 pulling in, trenching, tunneling and plowing; provided, however,  
20 that neither:

21 a. the moving of earth by tools manipulated only by human  
22 or animal power, except in a private or public  
23 easement or right-of-way,

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- b. the moving of earth by tools manipulated only by human power for burying communication lines of a communications provider in a private or public easement or right-of-way when depth is not greater than twelve (12) inches and within twelve (12) inches of a communications provider terminal,
- c. any form of cultivation for agricultural purposes, nor any augering, dozing by noncommercial dozer operators or digging for postholes, farm ponds, land clearing or other normal agricultural purposes,
- d. routine maintenance,
- e. work by a public agency or its contractors on a preengineered project,
- f. work on a certified project,
- g. work on a permitted project,
- h. the opening of a grave in a cemetery,
- i. a solid waste disposal site which is a preengineered project, nor
- j. any individual excavating on his or her own property and who is not in the excavating business for hire, except in a private or public easement or right-of-way,

shall be deemed excavation;

6. "Excavation" means the act or operation of excavating;

1       7. "Excavator" means a person or public agency that intends to  
2 excavate or demolish within this state;

3       8. "Notification center" means the statewide center currently  
4 known as the Oklahoma One-Call System, Inc., which has as one of its  
5 purposes to receive notification of planned excavation and  
6 demolition in a specified area from excavators, and to disseminate  
7 such notification of planned excavation or demolition to operators  
8 who are members and participants;

9       9. "Operator" shall mean and include any person or public  
10 agency owning or operating underground facilities;

11       10. "Permitted project" means a project where a permit for the  
12 work to be performed must be issued by a state or federal agency  
13 and, as a prerequisite to receiving such permit, the applicant must  
14 locate all underground facilities in the area of the work and in the  
15 vicinity of any blasting and notify each owner of such underground  
16 facilities;

17       11. "Person" includes any individual, partnership, corporation,  
18 association, cooperative, trust or other entity, including a person  
19 engaged as a contractor by a public agency, but not including a  
20 public agency;

21       12. "Preengineered project" means a public project wherein the  
22 public agency responsible for such project, as part of its  
23 engineering and contract procedures, holds a meeting prior to the  
24 commencement of any construction work on such project in which all

1 persons, determined by the public agency, in consultation with the  
2 statewide one-call notification center, to have underground  
3 facilities located within the construction area of the project are  
4 invited to attend and given an opportunity to verify or inform the  
5 public agency of the location of their underground facilities, if  
6 any, within the construction area and where the location of all  
7 known underground facilities are duly located or noted on the  
8 engineering drawing and specifications for the project;

9 13. "Public agency" means the state, county, or any board,  
10 commission or agency of the state;

11 14. "Routine maintenance" means the grading of roads and barrow  
12 or drainage ditches, the removal and replacement of pavement,  
13 including excavation relating thereto and the installation and  
14 maintenance of drainage and bridge facilities, signs, guardrails,  
15 and electrical and communications facilities in or on the public  
16 rights-of-way by a public agency;

17 15. "Underground facility" means any underground line, cable,  
18 facility, system and appurtenances thereto, for producing, storing,  
19 conveying, transmitting or distributing communication (including  
20 voice, video, or data information), electricity, power, light, heat,  
21 intrastate and interstate gas pipelines, as described in 49 CFR Part  
22 192.1, intrastate and interstate hazardous liquid or carbon dioxide  
23 pipelines, as described in 49 CFR Part 195.1, water (including storm  
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1 water), steam, sewage and other commodities and any oil and gas  
2 pipeline located in a private or public easement or right-of-way;

3 16. "Design" or "survey" means a notice to facility operators  
4 to provide underground facility information during the design or  
5 engineering phase of a project to mitigate potential impact to  
6 existing underground facilities;

7 17. "Watch and protect" means an operator or its designated  
8 representative is present to observe an excavation within ten (10)  
9 feet of the operator's marking of its existing underground facility;

10 18. "Pre-excavation meeting request" means a notice to  
11 underground facility operators to participate in scheduled meetings  
12 for the purpose of planning large projects and coordinate resources  
13 accordingly; and

14 19. "Large projects" are those excavation projects that involve  
15 one of the following:

16 a. exceeds distances defined in paragraph 5 of subsection  
17 D of Section 142.6 of this title, or

18 b. estimated duration is more than ninety (90) days.

19 SECTION 2. This act shall become effective November 1, 2025.

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21 60-1-10524 JBH 12/13/24

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