

FIRST REGULAR SESSION

HOUSE BILL NO. 678

96TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES SCHATZ (Sponsor) AND POLLOCK (Co-sponsor).

1758L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 319.016 and 319.025, RSMo, and to enact in lieu thereof two new sections relating to underground facilities.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 319.016 and 319.025, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 319.016 and 319.025, to read as follows:

319.016. Notwithstanding any provision of sections 319.010 to 319.050 to the contrary, the state highways and transportation commission shall not be required to be a notification center participant after December 31, [2011] **2014**, but nothing in this section shall prohibit the commission from voluntarily choosing to be a notification center participant after that date.

319.025. 1. Except as provided in subsection 3 of section 319.030 and in section 319.050, a person shall not make or begin any excavation in any public street, road or alley, right-of-way dedicated to the public use or utility easement of record or within any private street or private property without first giving notice to the notification center and obtaining information concerning the possible location of any underground facilities which may be affected by said excavation from underground facility owners whose names appear on the current list of participants in the notification center and who were communicated to the excavator as notification center participants who would be informed of the excavation notice. Prior to January 1, 2003, a person shall not make or begin any excavation pursuant to this subsection without also making notice to owners or operators of underground facilities which do not participate in a notification center and whose name appears on the current list of the recorder of deeds in and for the county in which the excavation is to occur. Beginning January 1, 2003, notice to the notification center of proposed excavation shall be deemed notice to all owners and operators

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

14 of underground facilities. The notice referred to in this section shall comply with the provisions
15 of section 319.026. [As part of the process to request the locating of underground facilities and
16 having them properly marked, the notification center shall ask excavators to identify whether or
17 not the proposed excavation will be on a public right-of-way or easement dedicated to public use
18 for vehicular traffic.]

19 2. An excavator's notice to owners and operators of underground facilities participating
20 in the notification center pursuant to section 319.022 is ineffective for purposes of subsection
21 1 of this section unless given to such notification center. Prior to January 1, 2003, the notice
22 required by subsection 1 of this section shall be given directly to owners or operators of
23 underground facilities who are not represented by a notification center.

24 3. Notification center participants shall be relieved of the responsibility to respond to a
25 notice of intent to excavate received directly from the person intending to commence an
26 excavation, except for requests for clarification of markings through on-site meetings as provided
27 in subsection 1 of section 319.030 and requests for locations at the time of an emergency as
28 provided by section 319.050.

29 4. If the owner or operator notifies the excavator that the area of excavation cannot be
30 determined from the description provided by the excavator through the notice required by this
31 section, the excavator shall provide clarification of the area of excavation by markings or by
32 providing project plans to the owner or operator, or by meeting on the site of the excavation with
33 representatives of the owner or operator as provided by subsection 1 of section 319.030.

34 5. Notwithstanding the provisions of this section to the contrary, a person shall not make
35 or begin any excavation in any state highway, or on the right-of-way of any state highway,
36 without first obtaining a permit from the state highways and transportation commission pursuant
37 to section 227.240, provided however, the provisions of this subsection shall not apply to
38 railroad right-of-way owned or operated by a railroad.