

## AMENDMENTS TO SENATE BILL NO. 242

Sponsor: REPRESENTATIVE M. QUINN

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1 Amend Bill, page 13, line 8, by inserting after "owners]."

2 An underground facility owner that fails to mark, locate or  
3 otherwise accurately provide the position and number of its  
4 underground facilities which may be affected by a planned  
5 excavation or demolition, in accordance with the provisions of  
6 this act, shall be liable for actual costs of labor, parts and  
7 equipment and personnel on standby incurred by an excavator  
8 damaging a facility owned, operated or controlled by the  
9 underground facility owner. An excavator that damages an  
10 underground facility in violation of the provisions of this act  
11 shall only be liable for actual costs of labor, parts and  
12 equipment and personnel on standby incurred by the underground  
13 facility owner that owns or controls the damaged underground  
14 facility. A provision in a contract, public or private, which  
15 attempts to limit the rights of excavators under this subclause  
16 shall not be valid for any reason. An attempted waiver of this  
17 subclause shall be void and unenforceable as against public  
18 policy, and the attempted waiver shall be reported to the  
19 commission.