

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1104 Session of
2006

INTRODUCED BY TOMLINSON, RHOADES, LEMMOND, VANCE, PILEGGI,
KITCHEN, COSTA, EARLL, PIPPY, RAFFERTY, FONTANA, KASUNIC,
ORIE, WAUGH, BROWNE, WONDERLING, O'PAKE, LOGAN AND FERLO,
FEBRUARY 14, 2006

AS AMENDED ON THIRD CONSIDERATION, JUNE 22, 2006

AN ACT

1 Amending the act of December 10, 1974 (P.L.852, No.287),
2 entitled "An act to protect the public health and safety by
3 preventing excavation or demolition work from damaging
4 underground lines used in providing electricity,
5 communication, gas, oil delivery, oil product delivery,
6 sewage, water or other service; imposing duties upon the
7 providers of such service, recorders of deeds, and persons
8 and other entities preparing drawings or performing
9 excavation or demolition work; and prescribing penalties,"
10 further providing for the title of the act, for definitions,
11 for duties of facility owners and for the duties of the One
12 Call System; providing for liability, fees and governance of
13 the One Call System; further providing for applicability;
14 providing for the duties of project owners and for rights of
15 the Auditor General; further providing for the governing
16 board of the One Call System, for fines and penalties and for
17 applicability to certain pipeline systems and facilities;
18 providing for a voluntary payment dispute resolution process,
19 for best efforts, for removal or tampering with a marking,
20 for determination of position and type of lines and for
21 impairment of rights and immunities; further providing for
22 expiration; repealing provisions of the act of June 19, 2002
23 (P.L.421, No.61), known as the Propane and Liquefied
24 Petroleum Gas Act, concerning the prohibition of certain
25 liquefied petroleum gas facilities or distributors from being
26 subject to the Underground Utility Line Protection Law; and
27 making an editorial change.

28 The General Assembly of the Commonwealth of Pennsylvania
29 hereby enacts as follows:

Section 1. The title of the act of December 10, 1974 (P.L.852, No.287), referred to as the Underground Utility Line Protection Law, is amended to read:

AN ACT

To protect the public health and safety by preventing excavation or demolition work from damaging underground lines used in providing electricity, communication, gas, propane, oil delivery, oil product delivery, sewage, water or other service; imposing duties upon the providers of such service, recorders of deeds, and persons and other entities preparing drawings or performing excavation or demolition work; and prescribing penalties.

Section 2. Section 1 of the act, amended November 30, 2004 (P.L.1567, No.199), is amended to read:

Section 1. As used in this act:

"Abandoned" means no longer in service and physically disconnected from a line.

"Business day" means any day except a Saturday, Sunday or legal holiday prescribed by statute. A business day begins at 12:00:00 a.m. and ends at 11:59:59 p.m.

"Cartway" means that portion of a street which is improved by surfacing with permanent or semipermanent material and is intended for vehicular traffic.

"Common Ground Alliance best practices" means the damage prevention industry recommended standards issued by the Common Ground Alliance, a not-for-profit corporation created pursuant to the issuance of the United States Department of Transportation's Common Ground Task Force report in 1999.

"Complex project" means an excavation that involves more work than properly can be described in a single locate request or any

1 project designated as such by the excavator as a consequence of
2 its complexity or its potential to cause significant disruption
3 to lines or facilities and the public, including excavations
4 that require scheduling locates over an extended time frame.

5 "Consumer Price Index" means the index of consumer prices
6 developed and updated by the Bureau of Labor Statistics of the
7 United States Department of Labor.

8 ["Contractor" means any person who or which performs
9 excavation or demolition work for himself or for another
10 person.]

11 "Continuing property records" means a record required
12 pursuant to 66 Pa.C.S. § 1702 (relating to continuing property
13 records).

14 "Demolition work" means the partial or complete destruction
15 of a structure, by any means, served by or adjacent to a line or
16 lines.

17 "Department" means the Department of Labor and Industry of
18 the Commonwealth.

19 "Designer" means any architect, engineer or other person who
20 or which prepares a drawing for a construction or other project
21 which requires excavation or demolition work as herein defined.

22 "Emergency" means a sudden or unforeseen occurrence involving
23 a clear and immediate danger to life [or], property and the
24 environment, including, but not limited to, serious breaks or
25 defects in a facility owner's lines.

26 "Excavation work" means the use of powered equipment or
27 explosives in the movement of earth, rock or other material, and
28 includes but is not limited to anchoring, augering, backfilling,
29 blasting, boring, digging, ditching, drilling, driving-in,
30 grading, plowing-in, pulling-in, ripping, scraping, trenching

1 and tunneling, but does not include soft excavation technology
2 such as vacuum, high pressure air or water, tilling of soil for
3 agricultural purposes to a depth of less than eighteen inches,
4 the direct operations necessary or incidental to the purposes of
5 finding or extracting natural resources~~†,† or the Department of~~ <—
6 ~~Transportation and~~ political subdivisions performing minor
7 routine maintenance up to a depth of less than eighteen inches
8 measured from the top of the edge of the cartway or the top of
9 the outer edge of an improved shoulder, in addition to the
10 performance of incidental de minimis excavation associated with
11 the routine maintenance and the removal of sediment buildup,
12 within the right-of-way of ~~†PUBLIC~~ roads or employees of the <—
13 Department of Transportation performing within the scope of
14 their employment work up to a depth of twenty-four inches
15 beneath the existing surface within the right-of-way of a State
16 highway.~~† public roads.~~ <—

17 "Excavator" means any person who or which performs excavation
18 or demolition work for himself or for another person.

19 "Facility owner" means the public utility or agency,
20 political subdivision, municipality, authority, rural electric
21 cooperative or other person or entity who or which owns or
22 operates a line. ~~†The term does not include the Department of~~ <—
23 Transportation within a State highway right-of-way.~~†~~ The term <—
24 does not include any of the following:

25 (1) A person serving the person's own property through the
26 person's own line if the person does not provide service to any
27 other customer.

28 (2) A person using a line which the person does not own or
29 operate if the use of the line does not serve more than a single
30 property.

1 "Final design" means the engineering and construction
2 drawings that are provided to a bidder or other person who is
3 asked to initiate construction on the bid date or the date the
4 project is set for construction in the absence of a bid.

5 "Horizontal directional drilling" means the use of horizontal
6 boring devices that can be guided between a launch point and a
7 reception point beneath the earth's surface.

8 "Line" or "facility" means an underground conductor or
9 underground pipe or structure used in providing electric or
10 communication service, or an underground pipe used in carrying,
11 gathering, transporting or providing natural or artificial gas,
12 petroleum, propane, oil or [oil] petroleum and production
13 product, sewage, water or other service to one or more
14 transportation carriers, consumers or customers of such service
15 and the appurtenances thereto, regardless of whether such line
16 or structure is located on land owned by a person or public
17 agency or whether it is located within an easement or right-of-
18 way. [The term includes storm drainage and traffic loops.] The
19 term shall include unexposed storm drainage and traffic loops
20 that are not clearly visible. The term shall not include crude
21 oil or natural gas production and gathering lines or facilities
22 unless the line or facility is a regulated onshore gathering
23 line as defined in regulations promulgated after January 1,
24 2006, by the United States Department of Transportation pursuant
25 to the Pipeline Safety Act of 1992 (Public Law 102-508, 49
26 U.S.C. § 60101 et seq.), if the regulated gathering line is
27 subject to the damage prevention program requirements of 49 CFR
28 § 192.614.

29 "Locate request" means a communication between an excavator
30 or designer and the One Call System in which a request for

1 locating facilities is processed. Locate requests submitted by
2 an excavator performing work within the right-of-way of any
3 State highway, either under contract to the Department of
4 Transportation or under authority of a permit issued by the
5 Department of Transportation, shall include the number of the
6 Department of Transportation contract or permit.

7 "Minor routine maintenance" means shaping of or adding dust
8 palliative to unpaved roads, removal and application of patches
9 to the surface or base of flexible base, rigid base or rigid
10 surface roads by either manual or mechanized method to the
11 extent of the existing exposed base material, crack and joint
12 sealing, adding dust palliative to road shoulders, patching and
13 cutting of shoulders and shoulder bases by either manual or
14 mechanized methods to the extent of the existing exposed base,
15 and cleaning of inlets and drainage pipes and ditches.

16 "One Call System" means [a] the communication system
17 established within this Commonwealth to provide a single
18 nationwide toll-free telephone number or 811 number for
19 [contractors] excavators or designers or any other person
20 covered by this act to call facility owners and notify them of
21 their intent to perform excavation, demolition or similar work
22 as defined by this act. [A] The One Call System shall be
23 incorporated and operated as a nonprofit corporation pursuant to
24 15 Pa.C.S. Pt. II Subpt. C (relating to nonprofit corporations).

25 "Operator" means any individual in physical control of
26 powered equipment or explosives when being used to perform
27 excavation or demolition work.

28 ["Owner" means any person who or which engages a contractor
29 for construction or any other project which requires excavation
30 or demolition work as herein defined.]

1 "Person" means an individual, partnership, corporation,
2 political subdivision, a municipal authority, the Commonwealth
3 and its agencies and instrumentalities, or any other entity.

4 "Powered equipment" means any equipment energized by an
5 engine or motor and used in excavation or demolition work.

6 "Preconstruction request" means a notification to facility
7 owners regarding a complex project.

8 "Project owner" means any person who or which engages an
9 excavator for construction or any other project which requires
10 excavation or demolition work.

11 "Secretary" means the Secretary of Labor and Industry of the
12 Commonwealth.

13 "Site" means the specific place denoted on the locate request
14 where excavation or demolition work is being or is planned to be
15 performed. A site should be denoted as a clearly defined,
16 bounded area, including relevant identifiable points of
17 reference such as the specific address with a specific
18 description as to the portion of the property, including
19 descriptions such as front, back, left side, right side and
20 direction such as N, S, E, W or variants. Where possible, the
21 points should also reference, without limitation, the size and
22 radius or circumference of the excavation, utility pad or
23 pedestal numbers, utility pole numbers, landmarks, including
24 trees, fountains, fences, railroads, highway and pipeline
25 markers, and latitude and longitude.

26 "Subsurface Utility Engineering" or "(SUE)" means those
27 techniques set forth in the American Society of Civil Engineers
28 (ASCE) standard CI/ASCE 38-02, or its successor document as
29 determined by the One Call System.

30 ~~"Traffic loop" means a device that detects metal object such~~

<—

1 ~~as cars and bicycles based on the change in inductance that they~~
2 ~~induce in the device.~~

3 "Tolerance zone" means the horizontal space within eighteen
4 inches of the outside wall or edge of a line or facility.

5 "TRAFFIC LOOP" MEANS A DEVICE THAT DETECTS METAL OBJECT SUCH <—
6 AS CARS AND BICYCLES BASED ON THE CHANGE IN INDUCTANCE THAT THEY
7 INDUCE IN THE DEVICE.

8 ["Working day" means any day except a Saturday, Sunday or
9 legal holiday prescribed by act of the General Assembly.]

10 Section 3. Sections 2 and 3 of the act, amended November 30,
11 2004 (P.L.1567, No.199), are amended to read:

12 Section 2. It shall be the duty of each facility owner:

13 (1) To be a member of and give written notice to [a] the One
14 Call System. Such notice shall be in a form acceptable to [a]
15 the One Call System and include:

16 (i) the legal name of the facility owner[;] and their
17 official mailing address;

18 (ii) the names of the counties and municipalities, down to
19 and including wards in Philadelphia, Pittsburgh, Allentown and
20 Erie, in which its lines are located and other related
21 information as may be required by the One Call System regarding
22 the location of a member's facilities;

23 (iii) the facility owner's address (by street, number and
24 political subdivision), and the telephone number and fax number,
25 if available, to which inquiries may be directed as to the
26 location of such lines; [and]

27 (iv) [at the option of any facility owner,] the street
28 identifications[, within or outside of the municipality] or like
29 information within each of the municipalities in which its lines
30 are located. This information shall be in a form acceptable to

1 [a] the One Call System. [and shall include the names of streets
2 bounding, crossing or adjacent to the facility owner's lines.]
3 Upon [receipt of a signed street identification list] acceptance
4 of the information from a facility owner, [a] the One Call
5 System shall provide the facility owner with notification within
6 the boundaries described [in the street identification list].
7 All facility owners [which opt for this service] shall agree to
8 indemnify and hold harmless [a] the One Call System for any
9 [street identity] errors and omissions on the part of the
10 facility owner or the [contractor] excavator or designer
11 providing [street identifications.] the information as the agent
12 of the facility owner; and

13 (v) any other information required by the One Call System.

14 (2) [To give to a One Call System like written notice within
15 five working days after any of the matters stated in the last
16 previous notice shall have changed.] To provide the One Call
17 System, within five business days, with any revised information
18 required under this section.

19 (4) Not more than ten [working] business days after receipt
20 of a request [therefor] from a designer who identifies the site
21 of excavation or demolition work for which he is preparing a
22 drawing, to initially respond to his request for information as
23 to the position and type of the facility owner's lines at such
24 site based on the information currently in the facility owner's
25 possession[.] or to mark the plans which have been provided to
26 it by the designer by field location or by another method agreed
27 to by the designer, excavator and facility owner, or their
28 agent. The facility owner shall so advise the person making the
29 request of the facility owner's status at the site through [a]
30 the One Call System.

1 (5) [Not more than two working days after] After receipt of
2 a timely request [therefor] from [a contractor] an excavator or
3 operator who identifies the site of excavation or demolition
4 work he intends to perform[:] and not later than the business
5 day prior to the scheduled date of excavation:

6 (i) To mark, stake, locate or otherwise provide the position
7 of the facility owner's underground lines at the site within
8 eighteen inches horizontally from the outside wall of such line
9 in a manner so as to enable the [contractor] excavator, where
10 appropriate, to employ prudent techniques, which may include
11 hand-dug test holes, to determine the precise position of the
12 underground facility owner's lines. This shall be done to the
13 extent such information is available in the facility owner's
14 records or by use of standard locating techniques other than
15 excavation. Standard locating techniques shall include at the
16 utility owner's discretion the option to choose available
17 technologies suitable to each type of line or facility being
18 located at the site, topography, soil conditions or to assist
19 the facility owner in locating its lines or facilities, based on
20 accepted engineering and operational practices. FACILITY OWNERS <—
21 SHALL MAKE REASONABLE EFFORTS DURING THE EXCAVATION PHASE TO
22 LOCATE OR NOTIFY EXCAVATORS OF THE EXISTENCE AND TYPE OF
23 ABANDONED LINES THAT REMAIN ON THE CONTINUING PROPERTY RECORDS
24 OF THE FACILITY OWNERS.

25 (i.1) [A] To, where contained on its continuing property
26 records, [facility owner may] identify the location of [a known
27 facility connected] an actually known facility's point of
28 connection to its facilities, [but] where the point of
29 connection is not owned or operated by the facility owner[, as a
30 helpful guide to the excavator or owner]. The identification

1 shall not be deemed to impose any liability upon the facility
2 owner for the accuracy of the [private facility] other
3 facility's identification.

4 (ii) [A facility owner,] To, at its option, [may] timely
5 elect to excavate around its facilities in fulfillment of this
6 subparagraph.

7 (iii.1) To propose mutually agreeable scheduling by which
8 the excavator, facility owner or designer may locate the
9 facilities.

10 (v) To respond to all notices through [a] the One Call
11 System, provided the request is made in the time frame set forth
12 under this act. The response shall be made not later than the
13 end of the second business day following receipt of the
14 notification by the One Call System, excluding the business day
15 upon which the notification is received, or not later than the
16 day prior to the scheduled date of excavation, if the excavator
17 specifies a later date. In the case of an emergency, to respond
18 through the One Call System as soon as practicable following
19 receipt of notification of the emergency by the One Call System.

20 (vi) In marking the approximate position of underground
21 lines or facilities, the facility owner shall follow [American
22 Public Works Association and Utility Locating and Coordination
23 Council Temporary Marking Standards.] the Common Ground Alliance
24 Best Practices for Temporary Marking set forth in ANSI standard
25 Z535.1. Should the [American Public Works Association and
26 Utility Locating and Coordination Council Temporary Marking
27 Standards] Common Ground Alliance Best Practices be amended, the
28 amended [standards] guidelines shall be applied and followed. If
29 the Common Ground Alliance Best Practices no longer publishes
30 guidelines for temporary markings or if the responsibility for

1 publishing the guidelines is transferred to or assumed by
2 another entity, the facility owner shall follow the guidelines
3 approved by the One Call System's board of directors.

4 (vii) To respond to [emergencies] emergency notifications as
5 soon as [practical] practicable following receipt of
6 notification of such emergency. The response by the facility
7 owner shall be consistent with the nature of the emergency
8 information received by the facility owner.

9 (viii) To participate in preconstruction meetings for a
10 complex project or as described in clause (3) of section 5.

11 (ix) If notification is received pursuant to clause (8) of
12 section 5, to give priority to responding to notification as an
13 emergency.

14 [(8) Operation costs for a One Call System shall be shared,
15 in an equitable manner for services received, by facility owner
16 members as determined by a One Call System's board of directors.
17 Political subdivisions with a population of less than two
18 thousand persons or municipal authorities having an aggregate
19 population in the area served by the municipal authority of less
20 than five thousand persons shall be exempt from payment of any
21 service fee.]

22 (9) If a facility owner fails to become a member of [a] the
23 One Call System in violation of this act and a line or lines of
24 such nonmember facility owner are damaged by [a contractor] an
25 excavator by reason of the [contractor's] excavator's failure to
26 notify the facility owner because the facility owner was not a
27 member of [a] the One Call System serving the location where the
28 damage occurred, such facility owner shall have no right of
29 recovery from the [contractor] excavator of any costs associated
30 with the damage to its lines. The right herein granted shall not

1 be in limitation of any other rights of the [contractor]
2 excavator.

3 (10) To submit an incident report to the department not more
4 than ten [working] business days after receipt of notice that
5 the facility owner's lines have been damaged by excavation or
6 demolition activities that resulted in personal injury or in
7 property damage to parties other than the affected excavator or
8 facility owner. In addition, the incident report may likewise be
9 furnished to the Pennsylvania Public Utility Commission and the
10 Pennsylvania Emergency Management Agency pursuant to memoranda
11 of understanding negotiated between these agencies and the
12 department[.], which shall, at a minimum, provide for a common
13 reporting format for incident reports. The department shall
14 furnish to [a] the One Call System, upon reasonable request,
15 statistical data pertaining to the number of incident reports
16 filed with the department and the type, number and results of
17 investigations for violations of this act.

18 (11) To comply with all requests for information by the
19 department relating to the department's enforcement authority
20 under this act within thirty days of the receipt of the request.

21 Section 3. It shall be the duty of [a] the One Call System
22 to do the following:

23 (1.1) To assign [a serial number and] one or more serial
24 numbers and the date that the site may legally be excavated and
25 to log the entire voice transaction on logging recorders in
26 appropriate digital form and maintain these logs for five years.
27 All records shall be indexed and available to the parties
28 involved at a reasonable cost and at reasonable times set by [a]
29 the One Call System.

30 (1.2) Perform the obligations, as set forth under this

1 section, on behalf of the facility owner, [contractor] excavator
2 or designer as established by the board of directors of [a] the
3 One Call System.

4 (1.3) Provide access to municipal lists provided to [a] the
5 One Call System for those interested parties. This list shall
6 contain facility owners having lines in the municipality,
7 including wards as indicated in subclause (ii) of clause (1) of
8 section 2, and to maintain, for each municipality, a list
9 containing the information as required to be submitted by the
10 facility owner. Such list shall be updated as revised
11 information is received from the facility owner within five
12 [working] business days.

13 (2) To make such lists under clause (1.3) available for
14 public inspection via the county recorder of deeds without
15 charge. A maximum copy fee of no more than twenty-five dollars
16 (\$25) may be charged per county list. Each facility owner change
17 shall be forwarded, at no charge, to the respective county
18 recorder of deeds for public access. The recorder of deeds shall
19 make such list available for public inspection[.] based on the
20 most current information provided to it by the One Call System.

21 (3) Not more than ten [working] business days after the
22 receipt of a clear and specific request from the department, to
23 provide access to or photocopies of specific One Call System
24 response records, tickets or other like information relating to
25 matters under investigation by the department pursuant to its
26 enforcement authority under this act.

27 (4) To determine the maximum geographic area that shall
28 constitute a valid single notification and to determine when
29 multiple notifications shall be required of any person,
30 including the method, the type and the number of notifications

1 in a complex project.

2 (5) If approved by the board of directors of the One Call
3 System, to offer a service for the application and obtaining of
4 State or municipal permits for excavation work. Issuance of the
5 required permits shall be the responsibility of the appropriate
6 State or municipal agency which has jurisdiction over the type
7 of excavation work being performed.

8 (6) Pursuant to policies adopted by the One Call System's
9 board of directors, to provide a secure repository for and
10 access to subsurface utility engineering data received from
11 project owners to affected facility owner members.

12 (7) To inquire, when an excavator has notified the One Call
13 System of the existence of a release of natural gas or other
14 hazardous substance or of potential danger to life, health or
15 property, whether the excavator has notified the 911 system. If
16 the 911 system has not been notified, the One Call System shall
17 notify the excavator of the excavator's responsibility to notify
18 the 911 system and shall make a record of the conversation.

19 Section 4. The act is amended by adding a section to read:

20 Section 3.1. (a) The duties of the One Call System are
21 those duties as set forth in section 3. Duties assigned to other
22 parties in other sections of this act shall be the duties of
23 those parties and shall not be imputed to the One Call System,
24 including the duty to provide accurate information to the One
25 Call System concerning proposed excavation and the duty to
26 locate facilities at a site.

27 (b) The One Call System shall not be liable for damages to
28 the person or the person's property arising out of its
29 nonnegligent actions in furtherance of the duties imposed under
30 this act and shall be liable only if the failure to comply was

1 the proximate cause of any damages claimed.

2 (c) Reserved.

3 (d) The One Call System shall be governed by a board of
4 directors, to be chosen by the facility owners. No less than
5 twenty percent of the seats on the board shall be held by
6 municipalities or municipal authorities. The board shall include
7 all of the following:

8 (1) The Chairman of the Pennsylvania Public Utility
9 Commission or his designee.

10 (2) The Director of the Pennsylvania Emergency Management
11 Agency or his designee.

12 (3) The Secretary of Labor and Industry or his designee.

13 (4) The Secretary of Transportation or his designee.

14 (5) An excavator or excavation industry representative.

15 (6) A designer or designer industry representative.

16 (e) Operation costs for the One Call System shall be shared,
17 in an equitable manner for services received, by facility owner
18 members as determined by the One Call System's board of
19 directors. Political subdivisions with a population of less than
20 two thousand people or municipal authorities having an aggregate
21 population in the area served by the municipal authority of less
22 than five thousand people shall be exempt from the payment of
23 any service fee. The One Call System may be reimbursed for its
24 costs in providing this service from the contractor fees.

25 (f) All fees shall be set by the board of directors and
26 shall be based on the latest annual audited cost factors of the
27 One Call System. Fees shall be set and adjusted to a rate not
28 more than five percent above the audited cost factor plus the
29 current average published Consumer Price Index for Pennsylvania.
30 Costs of capital improvements may be added, if the improvement

1 receives a majority vote of the board of directors.

2 (g) An excavator, designer or operator who proposes to
3 commence excavation or demolition work and requests information
4 of the One Call System shall be charged a fee for the service
5 received from the One Call System. The fee shall be used to
6 offset the operation cost levied on the political subdivision
7 and municipal authority members in lieu of additional fees
8 charged for locations under this act.

9 (h) Any request for information shall be reviewed and
10 provided as determined in accordance with the procedure
11 established by the One Call System's board of directors.

12 Section 5. Section 4 of the act, amended December 19, 1996
13 (P.L.1460, No.187), is amended to read:

14 Section 4. It shall be the duty of each designer preparing a
15 drawing [requiring] which requires excavation or demolition work
16 within the Commonwealth:

17 (2) To request the line and facility information prescribed
18 by section 2, clause (4) from [a] the One Call System not less
19 than ten nor more than ninety [working] business days before
20 final design is to be completed. This clause is not intended to
21 prohibit designers from obtaining such information more than
22 ninety days before final design is to be completed; however,
23 they shall state in their requirements that such work is
24 preliminary.

25 (2.1) To forward a copy of the project plans to each
26 facility owner who requests a copy. If a designer is unable to
27 provide a copy because of security of the project or proprietary
28 concerns regarding the design or the project, the designer shall
29 negotiate in a timely manner with the facility owner the means
30 of obtaining the necessary data.

1 (3) To show upon the drawing the position and type of each
2 facility owner's line, derived pursuant to the request made as
3 required by clause (2), and the name of the facility owner[, and
4 the facility owner's designated office address and the telephone
5 number] as shown on the list referred to in section 3.

6 (4) To make a reasonable effort to prepare the construction
7 drawings to avoid damage to and minimize interference with a
8 facility owner's facilities in the construction area by
9 maintaining the clearance as provided for in the applicable
10 easement condition or an eighteen-inch clearance of the facility
11 owner's facilities if no easement restriction exists.

12 (5) A designer shall be deemed to have met the obligations
13 of clause (2) if he calls [a] the One Call System and shows as
14 proof the serial number of one call notice on drawings. The
15 designer shall also show the toll-free number of [a] the One
16 Call System on the drawing near his serial number.

17 (6) If, after receiving information from the facility
18 owners, the designer decides to change the site of a proposed
19 excavation, the obligations imposed by this section shall apply
20 to the new site.

21 (7) The designer who has complied with the terms of this act
22 and who was not otherwise negligent shall not be subject to
23 liability or incur any obligation to facility owners, operators,
24 owners or other persons who sustain injury to person or property
25 as a result of the excavation or demolition planning work of the
26 designer.

27 Section 6. Section 5 of the act, amended November 30, 2004
28 (P.L.1567, No.199), is amended to read:

29 Section 5. It shall be the duty of each [contractor]
30 excavator who intends to perform excavation or demolition work

1 within this Commonwealth:

2 (2.1) To request the location and type of facility owner
3 lines at each site by notifying the facility owner through [a]
4 the One Call System. Notification shall be not less than three
5 nor more than ten [working] business days in advance of
6 beginning excavation or demolition work. No work shall begin
7 earlier than the scheduled excavation date which shall be on or
8 after the third business day after notification. The scheduled
9 excavation date shall exclude the date upon which notification
10 was received by the One Call System and notification received on
11 a Saturday, Sunday or holiday, which shall be processed on the
12 following business day. In the case of a complex project,
13 notification shall not be less than ten business days in advance
14 of the beginning of excavation or demolition work.

15 (2.2) To provide [a] the One Call System with specific
16 information to identify the site so that facility owners might
17 provide indications of their lines. [A contractor] An excavator
18 shall be deemed to have met the obligations of clause (2.1) if
19 he calls [a] the One Call System, provides the site and other
20 required information and receives a serial number.

21 (3) [If a contractor] In a complex project or if an
22 excavator intends to perform work at multiple sites or over a
23 large area, he shall take reasonable steps to work with facility
24 owners, including scheduling and conducting a preconstruction
25 meeting, so that they may locate their facilities at a time
26 reasonably in advance of the actual start of excavation or
27 demolition work for each phase of the work. A preconstruction
28 meeting may take place at any time prior to the commencement of
29 excavation or demolition work, and the excavator, facility
30 owners and designer, or their agents, shall attend the meeting.

1 Notice of the meeting shall be given sufficiently in advance so
2 as to permit attendance, either in person or electronically, by
3 the excavator, facility owners and designer, or their agents,
4 and shall include information sufficient to identify the scope
5 of work. If the excavator does not believe that a
6 preconstruction meeting is necessary under the circumstances of
7 this paragraph it shall indicate such belief in its notice, but
8 any facility owner with facilities at the site may request a
9 meeting with the excavator and a meeting shall be held between
10 the facility owner and the excavator. After commencement of
11 excavation or demolition work, the [contractor] excavator shall
12 be responsible for protecting and preserving the staking,
13 marking or other designation until no longer required for proper
14 and safe excavation or demolition work at or near the
15 underground facility, or by [calling for an additional
16 relocation] contacting the One Call System to request that the
17 facilities be marked again in the event that the previous
18 markings have been compromised or eliminated.

19 (3.1) To comply with the requirements established by the One
20 Call System as determined by the board of directors regarding
21 the maximum area that a notification may cover.

22 (4) To exercise due care; and to take all reasonable steps
23 necessary to avoid injury to or otherwise interfere with all
24 lines where positions have been provided to the [contractor]
25 excavator by the facility owners pursuant to clause (5) of
26 section 2. Within the tolerance zone [or if insufficient
27 information is available pursuant to clause (5) of section 2,
28 the contractor] the excavator shall employ prudent techniques,
29 which may include hand-dug test holes, to ascertain the precise
30 position of such facilities[,]. If insufficient information to

1 safely excavate is available pursuant to clause (5) of section
2 2, the excavator shall employ like prudent techniques which
3 shall be paid for by the project owner pursuant to clause (15)
4 of this section.

5 (5) If the facility owner fails to respond to the
6 [contractor's timely request within the two work days]
7 excavator's timely request as provided under clause (5) of
8 section 2 or the facility owner notifies the [contractor]
9 excavator that the line cannot be marked within the time frame
10 and a mutually agreeable date for marking cannot be arrived at,
11 the [contractor] excavator may proceed with excavation [at the
12 end of three working days] as scheduled, but not earlier than
13 the lawful dig date, provided he exercises due care in his
14 endeavors, subject to the limitations contained in this clause
15 and clauses (2.1) through (4).

16 (6) To inform each operator employed by the [contractor]
17 excavator at the site of such work of the information obtained
18 by the [contractor] excavator pursuant to clauses (2.1) through
19 (5), and the [contractor] excavator and operator shall:

20 (i) Plan the excavation or demolition to avoid damage to or
21 minimize interference with a facility owner's facilities in the
22 construction area. Excavation or demolition work which requires
23 temporary or permanent interruption of a facility owner's
24 service shall be coordinated with the affected facility owner in
25 all cases.

26 (ii) After consulting with a facility owner, provide such
27 support and mechanical protection for known facility owner's
28 lines at the construction site during the excavation or
29 demolition work, including during backfilling operations, as may
30 be reasonably necessary for the protection of such lines.

(7) To report immediately to the facility owner any break or leak on its lines, or any dent, gouge, groove or other damage to such lines or to their coating or cathodic protection, made or discovered in the course of the excavation or demolition work. The One Call System board of directors may adopt procedures to permit reporting under this clause through the One Call System.

(8) [To alert immediately the occupants of premises as to any emergency that such person may create or discover at or near such premises.] To immediately notify 911 and the facility owner, if the damage results in the escape of any flammable, toxic, or corrosive gas or liquid which endangers life, health or property. The excavator shall take reasonable measures, based on its knowledge, training, resources, experience and understanding of the situation to protect themselves and those in immediate danger, the general public, property and the environment until the facility owner or emergency responders have arrived and completed their assessment and shall remain on site to convey any pertinent information to responders that may help them to safely mitigate the situation.

(9) The time requirements of clause (2.1) shall not apply to a facility owner or [contractor] excavator performing excavation or demolition work in an emergency, as defined in section 1; nonetheless, all facility owners shall be notified as soon as possible before, during or after excavation or demolition, depending upon the circumstances.

(11) [A contractor] An excavator shall use the color white to mark a proposed excavation site when exact site information cannot be provided.

(11.1) To assist a facility owner in determining involvement of a facility owner's lines by disclosing additional available

information requested by the facility owner, including
dimensions and the direction of proposed excavations.

(11.2) If using horizontal directional drilling (HDD), at a
minimum, to utilize the best practices published by the HDD
Consortium.

(12) The following standards shall be applied in determining
whether [a contractor] an excavator shall incur any obligation
or be subject to liability as a result of [a contractor's] an
excavator's demolition or excavation work damaging a facility
owner's facilities:

(i) The [contractor] excavator who has complied with the
terms of this act and who was not otherwise negligent shall not
be subject to liability or incur any obligation to facility
owners, operators, project owners or other persons who sustain
injury to person or property as a result of the [contractor's]
excavator's excavation or demolition work damaging a facility
owner's lines.

(ii) Where [a contractor] an excavator has failed to comply
with the terms of this act or was otherwise negligent, and the
facility owner or designer has misidentified, mislocated or
failed to identify its facilities pursuant to this act, then in
computing the amount of reimbursement to which the facility
owner is entitled, the cost of repairing or replacing its
facilities shall be diminished in the same proportion that the
facility owner's or designer's misidentification, mislocation or
failure to identify the facilities contributed to the damage.
Should the facility owner or designer not have misidentified,
mislocated or failed to identify its facilities pursuant to this
act, there shall be no diminution of the facility owner's right
of recovery.

1 (13) If, after receiving information from [a] the One Call
2 System or directly from a facility owner, the [contractor]
3 excavator decides to change the location, scope or duration of a
4 proposed excavation, the obligations imposed by this section
5 shall apply to the new location.

6 (14) If [a contractor] an excavator removes its equipment
7 and vacates a worksite for more than two [working] business
8 days, he shall renotify [a] the One Call System unless other
9 arrangements have been made directly with the facility owners
10 involved in his worksite.

11 (15) When the information required from the facility owner
12 under clause (5)(i) of section 2 cannot be provided or due to
13 the nature of the information received from the facility owner,
14 it is reasonably necessary for the [contractor] excavator to
15 ascertain the precise location of any line or abandoned or
16 unclaimed lines by prudent techniques, which may include hand-
17 dug test holes, vacuum excavation or other similar devices, the
18 [contractor] excavator shall promptly notify the project owner
19 or the project owner's representative, either orally or in
20 writing. If oral notification is given, the notice shall be
21 reduced to writing within a reasonable time by the project owner
22 or excavator. After giving such notice, the [contractor]
23 excavator shall be entitled to compensation from the project
24 owner for this additional work as provided in the latest edition
25 of the Pennsylvania Department of Transportation Form 408
26 specifications for extra work performed on a force account
27 basis. The provisions of this subsection shall not be deemed to
28 limit any other rights which the [contractor] excavator has
29 under its contract with the project owner or otherwise.

30 Provisions in any contract, public or private, which attempt to

1 limit the rights of [contractors] excavators under this section
2 shall not be [waived] valid for any reason, and any attempted
3 waiver of this section shall be void and unenforceable as
4 against public policy and any such attempted waiver shall be
5 reported to the [Department of Labor and Industry] department.

6 (16) To submit an incident report to the department not more
7 than ten [working] business days after striking or otherwise
8 damaging a facility owner's line during excavation or demolition
9 activities that resulted in personal injury or property damage
10 to parties other than the affected [contractor] excavator or
11 facility owner. In addition, the incident report may be
12 furnished to the Pennsylvania Public Utility Commission and the
13 Pennsylvania Emergency Management Agency pursuant to memoranda
14 of understanding negotiated between these agencies and the
15 department.

16 (17) To comply with all requests for information by the
17 department relating to the department's enforcement authority
18 under this act within thirty days of the receipt of the request.

19 (18) To, if it chooses to do so and if working for a
20 facility owner, a municipality or a municipal authority,
21 delegate the power to discharge the duties set forth in clauses
22 (2.1) and (2.2) to its project owner, with the project owner's
23 consent. If the power is delegated pursuant to this clause, both
24 the excavator and the project owner shall be responsible for
25 providing the required notices.

26 (19) To ensure the accuracy of any information provided to
27 the One Call System pursuant to this section.

28 Section 7. Section 6 of the act, amended December 12, 1986
29 (P.L.1574, No.172), is amended to read:

30 Section 6. [This] Except as otherwise provided in this act,

1 this act shall not be deemed to amend or repeal any other law,
2 Commonwealth regulation or any local ordinance enacted pursuant
3 to law concerning the same subject matter, it being the
4 legislative intent that any such other law or local ordinance
5 shall have full force and effect where not inconsistent with
6 this act.

7 Section 8. The act is amended by adding sections to read:

8 Section 6.1. It shall be the duty of each project owner who
9 engages in excavation or demolition work to be done within this
10 Commonwealth:

11 ~~(1) To utilize subsurface utility engineering or other~~ <—
12 ~~similar techniques, wherever practicable, when designing complex~~
13 ~~projects having an estimated cost of five hundred thousand~~
14 ~~dollars (\$500,000) or more.~~

15 (1) TO UTILIZE SUFFICIENT QUALITY LEVELS OF SUBSURFACE <—
16 UTILITY ENGINEERING OR OTHER SIMILAR TECHNIQUES TO PROPERLY
17 DETERMINE THE EXISTENCE AND POSITIONS OF UNDERGROUND FACILITIES
18 WHEN DESIGNING KNOWN COMPLEX PROJECTS OR WHEN DESIGNING PROJECTS
19 HAVING AN ESTIMATED COST OF FIVE HUNDRED THOUSAND DOLLARS
20 (\$500,000) OR MORE.

21 (2) To timely respond to notifications received from
22 excavators pursuant to clause (15) of section 5.

23 (3) To not release to bid or construction any project until
24 after final design is completed.

25 (4) To participate in design and preconstruction meetings
26 either directly or through a representative.

27 (5) To furnish the pertinent data obtained through
28 subsurface utility engineering to the One Call System in a
29 mutually agreeable format.

30 (6) For new construction and where practicable in the

1 opinion of the project owner, to install color-coded permanent
2 markers to indicate the type and location of all laterals
3 installed by the project owner.

4 Section 7. (a) The Auditor General may review management
5 and financial audits of the One Call System, which audits shall
6 be performed by a qualified auditing firm within this
7 Commonwealth. A copy of the audit shall be submitted to the
8 Auditor General upon its completion and to the General Assembly
9 by October 31 of the year following the end of the audit period.
10 The cost of reasonable expenses incurred by the Auditor General
11 in performing the obligations under this section shall be
12 reimbursed by the One Call System. The fees shall not be
13 inconsistent with those of commercial auditing firms for similar
14 work.

15 (b) The Auditor General, for the purposes set forth in
16 subsection (a), and any contractor, excavator, facility owner or
17 member of the One Call System shall have the right during
18 regular business hours to inspect and copy any record, book,
19 account, document or any other information relating to the
20 provision of one call services by the One Call System, at the
21 cost determined by the board of directors.

22 (c) The One Call System shall submit an annual report to its
23 members, and a copy of the report shall be submitted to the
24 Auditor General.

25 Section 9. Section 7.1 of the act, amended December 19, 1996
26 (P.L.1460, No.187), is amended to read:

27 [Section 7.1.

28 (b) A One Call System shall be governed by a board of
29 directors, to be chosen by the facility owners. No less than
30 twenty percent of the seats on the board shall be held by

1 municipalities or municipal authorities. The board shall include
2 the following:

3 (1) The Chairman of the Pennsylvania Public Utility
4 Commission or his designee.

5 (2) The Director of the Pennsylvania Emergency Management
6 Agency or his designee.

7 (3) The Secretary of Labor and Industry or his designee.

8 (4) The Secretary of Transportation or his designee.

9 (5) A contractor or industry representative.

10 (6) A designer or industry representative.

11 (b.1) All fees are to be set by the board of directors and
12 shall be based on the latest annual audited cost factors of a
13 One Call System. Fees shall be set and adjusted to a rate not
14 more than five percent above the audited cost factor plus the
15 current average published Consumer Price Index for Pennsylvania.
16 Costs of capital improvements may be added, provided the
17 improvement receives a majority vote of the board of directors.

18 (c) The Auditor General, for the purposes set forth in
19 subsection (c.1), and any contractor, facility owner or member
20 of a One Call System shall have the right at any time to inspect
21 and copy any record, book, account, document or any other
22 information relating to the provision of one call services by a
23 One Call System at his own cost.

24 (c.1) The Auditor General shall conduct a biennial
25 performance and financial audit of a One Call System. A copy of
26 the audit conducted by the Auditor General under this paragraph
27 shall be submitted to the General Assembly no later than one
28 hundred and eighty days following the end of the audit period.
29 The actual cost of reasonable expenses incurred by the Auditor
30 General in performing his obligations under this section shall

1 be reimbursed by a One Call System. Such fees shall not be
2 inconsistent with those of commercial auditing firms for similar
3 work.

4 (c.2) A One Call System shall submit an annual report to its
5 members, and a copy of the report shall be submitted to the
6 General Assembly.

7 (g) Any contractor, designer or operator who proposes to
8 commence excavation or demolition work and requests information
9 of a One Call System shall be charged a fee for the service
10 received from a One Call System. Such fee shall be used to
11 offset the operation cost levied on the political subdivision
12 and municipal authority members in lieu of additional fees
13 charged for locations specifically related to this act.]

14 Section 10. Section 7.2 of the act, amended November 30,
15 2004 (P.L.1567, No.199), is amended to read:

16 Section 7.2. (a) Any person violating any of the provisions
17 of this act, except clauses (1) and (2) of section 2, commits a
18 summary offense and shall, upon conviction, be sentenced to pay
19 a fine of not less than two thousand five hundred dollars
20 (\$2,500) nor more than [twenty-five thousand dollars (\$25,000)]
21 fifty thousand dollars (\$50,000) or undergo imprisonment for not
22 more than ninety days, or both. The Attorney General of the
23 Commonwealth or any district attorney may enforce the provisions
24 of this act in any court of competent jurisdiction. The
25 department, in consultation with the Attorney General, may also
26 enforce the provisions of this act in any court of competent
27 jurisdiction. A facility owner may petition any court of
28 competent jurisdiction to enjoin any excavation or demolition
29 work conducted in violation of this act. Local law enforcement
30 or emergency management personnel may, in the interest of public

safety, order excavators on a site to stop further excavation,
if the excavation is being conducted in violation of this act.

(b) Fines levied under subsection (a) shall be determined
according to the following schedule:

(1) Where violations result in property damage that does not
exceed three thousand dollars (\$3,000), the fine shall not
exceed [three thousand dollars (\$3,000)] five thousand dollars
(\$5,000).

(2) Where violations result in property damage of more than
three thousand dollars (\$3,000), the fine shall not exceed [five
thousand dollars (\$5,000)] ten thousand dollars (\$10,000).

(3) For violations which result in personal injury or death,
the fine shall not exceed [twenty-five thousand dollars
(\$25,000)] fifty thousand dollars (\$50,000).

(c) The following factors shall be considered in determining
the fine to be assessed:

(1) The degree of the party's compliance with the statute
prior to date of the violation.

(2) The amount of personal and property damage caused by the
party's noncompliance.

(3) The degree of threat to the public safety and
inconvenience caused by the party's noncompliance.

(4) The party's plans and procedures to insure future
compliance with statutes and regulations.

(c.1) In addition to any other sanctions provided by this
act, the department shall have the authority to issue warnings
and orders requiring compliance with this act and may levy
administrative penalties for violations of this act. Any
warning, order or penalty shall be served on the person or
entity violating the act at their last known address. The

1 department shall consider the factors set forth in subsection
2 (c) in determining the administrative penalty to be assessed.
3 Any party aggrieved by the imposition of an order or
4 administrative penalty imposed by the department may appeal such
5 order or penalty as provided in 2 Pa.C.S. Ch. 5 Subch. A
6 (relating to practice and procedure of Commonwealth agencies)
7 and Ch. 7 Subch. A (relating to review of Commonwealth agency
8 action).

9 (c.2) Administrative penalties imposed by the department
10 under subsection (c.1) shall be determined according to the
11 following schedule:

12 (1) Any person or entity violating the provisions of clauses
13 (1) and (2) of section 2 may be subject to an administrative
14 penalty not to exceed five hundred dollars (\$500) per day. Each
15 day of noncompliance shall constitute a separate violation.

16 (2) Any person or entity receiving three or more warnings in
17 a calendar year may be subject to an administrative penalty not
18 to exceed five hundred dollars (\$500).

19 (3) Where violations result in property damage that does not
20 exceed ten thousand dollars (\$10,000), the administrative
21 penalty may not exceed one thousand dollars (\$1,000).

22 (4) Where violations result in property damage of more than
23 ten thousand dollars (\$10,000), the administrative penalty may
24 not exceed five thousand dollars (\$5,000).

25 (5) For violations that result in personal injury or death,
26 the administrative penalty may not exceed ten thousand dollars
27 (\$10,000).

28 (d) All fines and penalties recovered under this section
29 shall be payable to the Attorney General, district attorney or
30 the department, whichever brought the action, and collected in

1 the manner provided for by law. [To the extent that the expenses
2 incurred by the department in enforcing this act exceed the
3 fines collected by the department under this section, the
4 department may assess a charge for the remaining reasonable
5 expenses from a One Call System pursuant to a written agreement
6 between the parties.] Administrative penalties collected by the
7 department may be expended by the department for costs related
8 to its enforcement activities and to sponsor damage prevention
9 activities of the One Call System.

10 (e) The provisions of this act shall not affect any civil
11 remedies for personal injury or property damage, except as
12 otherwise specifically provided for in this act.

13 (f) The secretary or his designee shall have the authority
14 to issue subpoenas, upon application of an attorney responsible
15 for representing the Commonwealth in actions before the
16 department, for the purpose of investigating alleged violations
17 of this act. The department shall have the power to subpoena
18 witnesses and compel the production of books, records, papers
19 and documents as it deems necessary or pertinent to an
20 investigation or hearing.

21 Section 11. Section 7.6 of the act, added December 19, 1996
22 (P.L.1460, No.187), is amended to read:

23 [Section 7.6. This act shall not apply to any of the
24 following pipeline systems and facilities:

25 (1) Oil and gas production or gathering pipeline systems
26 constructed with pipe measuring less than three inches inside
27 diameter which are designed to collect and transport crude oil
28 or natural gas from the wellhead to the point of custody
29 transfer, provided such systems are permanently marked or staked
30 where they cross public highway rights-of-way or the boundary of

1 property which is owned in fee by the owner of the gathering
2 pipeline system.

3 (2) Any continuous one-mile length of a crude oil or natural
4 gas production or gathering pipeline system constructed with
5 pipe measuring three inches inside diameter or larger which is
6 designed principally to collect and transport crude oil or
7 natural gas from the wellhead to the point of custody transfer
8 where no more than fifty buildings intended for permanent
9 residential occupancy are located within two hundred twenty
10 yards on either side of the center line of the one-mile length
11 of pipeline.]

12 Section 12. The act is amended by adding sections to read:

13 Section 8. The One Call System shall have the authority to
14 design, establish and administer a voluntary payment dispute
15 resolution process which may be used by excavators, facility
16 owners, designers, project owners and other involved persons.
17 The process shall provide for dispute resolution panels selected
18 from among a list of representatives of stakeholder groups,
19 including facility owners, excavators, designers and regulators.
20 The process established under this section may not be used to
21 settle or resolve alleged violations of this act nor may involve
22 any issues related to the department's enforcement activities.

23 Section 9. Except as otherwise provided for by this act,
24 persons shall use their best efforts to comply with the Common
25 Ground Alliance Best Practices.

26 Section 10. No person shall intentionally remove or tamper
27 with a marking provided for under this act.

28 ~~Section 11. (a) Designers or excavators performing work for~~ <—
29 ~~the Department of Transportation within State highway rights of~~
30 ~~way under contract to the Department of Transportation,~~

~~designers requesting a permit from the Department of Transportation or excavators acting under the authority of a permit issued by the Department of Transportation shall be responsible for determining the position and type of lines owned or operated by the Department of Transportation within the State highway right of way and will be paid in accordance with the contract or permit requirements.~~

~~(b) In addition to the requirements of subsection (a), excavators shall also be responsible for marking the lines and for notifying the county office of the Department of Transportation in which the excavation occurs that the marking has been completed. The determination of the position and type of lines and the markings of lines shall entitle the excavator acting under a permit issued by the Department of Transportation to compensation from the project owner for this additional work as provided in the latest edition of the Department of Transportation Form 408 specifications for extra work performed on a force account basis. The nonwaiver provisions contained in section 5(15) shall apply to this section. The Department of Transportation shall provide to a designer or excavator, within a reasonable period of time, any records, maps or other information related to the location of their facilities within the site of excavation or demolition work. The notification shall be made not later than two business days following the required locate request to the One Call System, except in the case of a complex project. The requirements of this section shall not impose any additional liability on a designer or excavator if the designer or excavator relied on the accuracy of the information provided by the Department of Transportation in determining the position and type of lines and marking of lines,~~

1 ~~and the determination and markings were based on the information~~
2 ~~provided.~~

3 ~~(c) Work to be performed by employees of the Department of~~
4 ~~Transportation within the State highway right of way shall not~~
5 ~~require the Department of Transportation to further identify or~~
6 ~~mark any of its lines before excavation.~~

7 ~~Section 12~~ 11. ~~Nothing in this act shall impair the rights~~ <—
8 ~~or immunities provided to political subdivisions under 42~~
9 ~~Pa.C.S. Ch. 85 Subch. C (relating to actions against local~~
10 ~~parties) or any other State law.~~

11 Section 13. Section 7.7 of the act, added December 19, 1996
12 (P.L.1460, No.187), is amended to read:

13 Section [7.7] ~~39~~. This act shall expire on December 31, <—
14 [2006] ~~2016~~.

15 Section 14. Section 8 of the act is amended to read:

16 Section [8] ~~40~~. This act shall take effect in one hundred
17 twenty days.

18 Section 15. Repeals are as follows:

19 (1) The General Assembly declares that the repeal under
20 paragraph (2) is necessary to effectuate the amendment of the
21 title of the act and to cause certain liquefied petroleum gas
22 facilities or distributors to be subject to this act.

23 (2) The provisions of section 19 of the act of June 19,
24 2002 (P.L.421, No.61), known as the Propane and Liquefied
25 Petroleum Gas Act, are repealed to the extent that they
26 prohibit certain liquefied petroleum gas facilities or
27 distributors, other than facility owners as defined in
28 section 1 of the act, from being subject to the act.

29 Section 16. This act shall take effect ~~in 180 days.~~ <—

30 AS FOLLOWS: <—

1 (1) THE FOLLOWING PROVISIONS SHALL TAKE EFFECT
2 IMMEDIATELY:
3 (I) THE AMENDMENT OF SECTION 7.7 OF THE ACT.
4 (II) THIS SECTION.
5 (2) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT IN 120
6 DAYS.