

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1237 Session of 2024

INTRODUCED BY BAKER, BARTOLOTTA, SANTARSIERO, COSTA, SCHWANK, J. WARD, MILLER AND CULVER, JUNE 6, 2024

SENATOR STEFANO, CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, AS AMENDED, SEPTEMBER 17, 2024

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, propane, oil delivery, oil product
6 delivery, sewage, water or other service; imposing duties
7 upon the providers of such service and persons and other
8 entities preparing drawings or performing excavation or
9 demolition work; and prescribing penalties," further
10 providing for definitions, for duties of facility owners, for
11 duties of designers, for duties of excavators, for duties of
12 project owners, for damage prevention committee, for
13 compliance orders and FOR administrative penalties and for <--
14 expiration of act; AND REPEALING PROVISIONS RELATING TO <--
15 EXPIRATION OF ACT.

16 The General Assembly of the Commonwealth of Pennsylvania
17 hereby enacts as follows:

18 Section 1. The definitions of "alleged violation,"
19 "emergency," "excavation work," "HORIZONTAL DIRECTIONAL <--
20 DRILLING," "injury," "locate request" and "subsurface utility
21 engineering" or "SUE" in section 1 of the act of December 10,
22 1974 (P.L.852, No.287), referred to as the Underground Utility
23 Line Protection Law, are amended and the section is amended by
24 adding definitions to read:

1 Section 1. The following words and phrases when used in this
2 act shall have the meanings given to them in this section unless
3 the context clearly indicates otherwise:

4 * * *

5 "Alleged violation" means an instance when a person by action
6 or inaction [**fails**] is alleged to have failed to fulfill the
7 obligations of this act.

8 * * *

9 "Damage prevention investigator" means an employee of the
10 commission tasked with reviewing and investigating an alleged
11 violation reported to the commission under sections 2(10), 4(8),
12 5(16) and 6.1(7) and offering recommendations to the committee
13 to address the alleged violation in the form of a warning
14 letter, administrative penalty or participation in an
15 educational program established by the commission.

16 * * *

17 "Drawing" means a type of technical plan that shows
18 information about existing and proposed underground facilities,
19 grading, landscaping or other site details for the purpose of
20 providing a clear picture of construction to the excavator. The
21 term does not include sketches made for the purpose of obtaining
22 excavation related to permits.

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

27 "Excavation work" means the use of ~~powered~~ equipment or <--
28 explosives in the movement of earth, rock or other material, and
29 includes, but is not limited to, anchoring, augering,
30 backfilling, blasting, boring, digging, ditching, dredging,

1 drilling, driving-in, grading, plowing-in, pulling-in, ripping,
2 scraping, trenching and tunneling. The term does not include
3 soft excavation technology such as vacuum, high pressure air or
4 water, tilling of soil for agricultural purposes ~~or for general~~ <--
5 ~~yard or garden purposes~~ to a depth of less than eighteen inches,
6 performing minor routine maintenance up to a depth of less than
7 eighteen inches measured from the top of the edge of the cartway
8 or the top of the outer edge of an improved shoulder, in
9 addition to the performance of incidental de minimis excavation
10 associated with the routine maintenance and the removal of
11 sediment buildup, within the right-of-way of public roads or
12 work up to a depth of twenty-four inches beneath the existing
13 surface within the right-of-way of a State highway, work
14 performed by persons whose activities must comply with the
15 requirements of and regulations promulgated under the act of May
16 31, 1945 (P.L.1198, No.418), known as the Surface Mining
17 Conservation and Reclamation Act, the act of April 27, 1966 (1st
18 Sp.Sess., P.L.31, No.1), known as The Bituminous Mine Subsidence
19 and Land Conservation Act, or the act of September 24, 1968
20 (P.L.1040, No.318), known as the Coal Refuse Disposal Control
21 Act, that relate to the protection of utility facilities or the
22 direct operations on a well pad following construction of the
23 well pad and that are necessary or operations incidental to the
24 extraction of oil or natural gas.

25 * * *

26 ["HORIZONTAL DIRECTIONAL DRILLING" MEANS THE USE OF <--
27 HORIZONTAL BORING DEVICES THAT CAN BE GUIDED BETWEEN A LAUNCH
28 POINT AND A RECEPTION POINT BENEATH THE EARTH'S SURFACE.]

29 "Injury" means a bodily harm to a person, who, as a result of
30 the bodily harm, immediately receives medical attention at a

1 health care facility away from the scene of the incident.

2 * * *

3 "Locate request" means a communication or notification
4 between an excavator or designer and the One Call System in
5 which a request for locating facilities is processed. Locate
6 requests submitted by an excavator performing work within the
7 right-of-way of any State highway, either under contract to the
8 Department of Transportation or under authority of a permit
9 issued by the Department of Transportation, shall include the
10 number of the Department of Transportation contract or permit.

11 * * *

12 ~~"Service line" means a distribution line that transports a~~ <--
13 ~~product from a common source of supply to any of the following:~~

14 ~~(1) A customer meter, or the connection to a customer's~~
15 ~~pipng, whichever is further downstream.~~

16 ~~(2) The connection to a customer's piping if there is no~~
17 ~~meter.~~

18 "Sketch" means a physical depiction of a work site generally
19 for permitting purposes and not solely or specifically
20 applicable to design requirements.

21 * * *

22 "Subsurface utility engineering" or "SUE" means those
23 techniques set forth in the American Society of Civil Engineers
24 (ASCE) most recently published standard CI/ASCE [38-02] ~~38-22-~~ <--
25 ~~38~~, or its successor document as determined by the One Call <--
26 System.

27 * * *

28 "Trenchless technology" means a family of construction
29 techniques for installing or rehabilitating underground
30 infrastructure with minimal disruption to surface traffic,

1 ~~businesses and residents. The term shall include technologies~~ <--
2 ~~for inspection, leak location and leak detection with minimal~~
3 ~~disruption and minimal excavation from the ground surface.~~

4 * * *

5 "Violation" means an instance when it has been determined by
6 the commission that a person by action or inaction has failed to
7 fulfill the obligations of this act.

8 * * *

9 Section 2. Section 2(1)(ii) and (iv), (5)(i) ~~and (i.1)~~, (10) <--
10 and (13) of the act are amended, clause (5) is amended by adding
11 subparagraphs and the section is amended by adding a clause to
12 read:

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

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

17 * * *

18 (ii) as follows:

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

24 [(B) The One Call System may not require its members to
25 locate lines or facilities installed before the effective date
26 of this clause unless the member has existing maps of the lines
27 or facilities and the member's existing maps meet the
28 specifications of the One Call System's Member Mapping
29 Solutions. Nothing under this clause shall prohibit the One Call
30 System members from voluntarily submitting to the One Call

1 System maps of lines or facilities installed before the
2 effective date of this clause.]

3 (C) A facility owner may not be required to locate lines or
4 facilities installed before the effective date of this clause
5 unless the facility owner has existing maps of the lines or
6 facilities and the facility owner's existing maps meet the
7 specifications of the One Call System's Member Mapping
8 Solutions. Nothing under this clause shall prohibit a facility
9 owner as a member of the One Call System from voluntarily
10 submitting to the One Call System maps of lines or facilities
11 installed before the effective date of this clause.

12 * * *

13 (iv) the street identifications or like information within
14 each of the municipalities in which its lines are located. This
15 information shall be in a form acceptable to the One Call
16 System. Upon acceptance of the information from a facility
17 owner, the One Call System shall provide the facility owner with
18 notification within the boundaries described. All facility
19 owners shall agree to indemnify and hold harmless the One Call
20 System for any errors and omissions on the part of the facility
21 owner or the excavator or designer providing the information as
22 the agent of the facility owner or member mapping information as
23 required by the One Call System; and

24 * * *

25 (5) After receipt of a timely request from an excavator or
26 operator who identifies the work site of excavation or
27 demolition work he intends to perform and not later than the
28 business day prior to the lawful start date of excavation:

29 (i) To mark, stake, locate or otherwise provide the position
30 of the facility owner's underground lines at the work site

1 within eighteen inches horizontally from the outside wall of
2 such line in a manner so as to enable the excavator, where
3 appropriate, to employ prudent techniques, which may include
4 hand-dug test holes, to determine the precise position of the
5 underground facility owner's lines. This shall be done to the
6 extent such information is available in the facility owner's
7 records or by use of standard locating techniques other than
8 excavation. Standard locating techniques shall include, at the
9 utility owner's discretion, the option to choose available
10 technologies suitable to each type of line or facility being
11 located at the work site, topography or soil conditions or to
12 assist the facility owner in locating its lines or facilities,
13 based on accepted engineering and operational practices.

14 [Facility owners shall make reasonable efforts during the
15 excavation phase to locate or notify excavators of the existence
16 and type of abandoned lines.] ~~Facility owners shall make~~ <--
17 ~~reasonable efforts during the excavation phase to locate and~~
18 ~~notify excavators of the existence and type of abandoned lines~~
19 ~~or any lines at depths less than the depth of installation~~
20 ~~required by Federal law. FACILITY OWNERS SHALL MAKE REASONABLE~~ <--
21 ~~EFFORTS DURING THE EXCAVATION PHASE TO LOCATE OR NOTIFY~~
22 ~~EXCAVATORS OF THE EXISTENCE OF ANY KNOWN LINES AND ABANDONED~~
23 ~~LINES.~~

24 ~~(i.1) To identify the location of an actually known~~ <--
25 ~~facility's point of connection to its facilities, where the~~
26 ~~point of connection is not owned or operated by the facility~~
27 ~~owner. [A facility owner may identify the location of a known~~
28 ~~facility connected to its facilities, but not owned or operated~~
29 ~~by the facility owner, as a helpful guide to the excavator or~~
30 ~~owner.] The identification shall not be deemed to impose any~~

1 ~~liability upon the facility owner for the accuracy of the other~~
2 ~~facility's identification.~~

3 ~~(i.2) To identify the location of a known service line~~
4 ~~connected to its facilities through which the facility owner~~
5 ~~uses the service line to pursue a business that derives revenue~~
6 ~~by providing a product or service to an end use customer via the~~
7 ~~service line, regardless of whether the service line is owned or~~
8 ~~operated by the facility owner.~~

9 * * * <--

10 ~~(i.3) (I.2) To document communications between a facility~~ <--
11 ~~owner and the excavator to ensure that the excavator is aware of~~
12 ~~a facility owner's inability to locate its facilities.~~

13 * * *

14 (V.2) TO TIMELY ENTER A FINAL RESPONSE TO ALL LOCATE <--
15 REQUESTS.

16 * * *

17 (10) To submit a report of alleged violation to the
18 commission through the One Call System not more than thirty
19 business days after receipt of notice that the facility owner's
20 lines have been damaged by excavation or demolition work or if
21 the facility owner believes a violation of this act has been
22 committed in association with excavation or demolition work. The
23 report of alleged violation shall be in a form and manner as
24 required by the commission. [No report may be required where the
25 cost to repair the damage to the facility owner's lines is less
26 than two thousand five hundred dollars (\$2,500), unless the same
27 person damaged the facility owner's lines two or more times
28 within a six-month period.]

29 * * *

30 (13) To maintain existing records of main lines abandoned on

1 or after the effective date of this paragraph and to mark,
2 locate [or] and identify the main lines if [possible], based
3 upon the existing records. The records shall include written or
4 electronic documents or drawings in the possession of the
5 facility owner that show the location of an existing line or
6 facility.

7 (14) To comply with all requests for information by the
8 commission relating to the commission's enforcement authority
9 under this act within thirty days of receipt of the request.

10 Section 3. Sections ~~4(4) and (5)~~ 4(5), 5(2.1), ~~(4)~~, (8), <--
11 (11.2), (15), (16) and (20) and 6.1(1), (2) and (7) of the act
12 are amended and the sections are amended by adding clauses to
13 read:

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

17 * * *

18 (2.2) To submit a design notification through the One Call
19 System when a design drawing is completed.

20 (2.3) To timely respond to notifications received from
21 excavators in accordance with section 5(15).

22 (2.4) To inform the project owner of the project owner's
23 duties under sections 5(15) and 6.1(1).

24 (2.5) To comply with all requests for information by the
25 commission relating to the commission's enforcement authority
26 under this act within thirty days of WRITTEN receipt of the <--
27 request.

28 * * *

29 ~~(4) To make a reasonable effort to prepare the construction~~ <--
30 ~~drawings to depict lines or facilities with quality levels~~

1 ~~obtained through the SUE process in the planning and design~~
2 ~~phases, including test hole data sheet details for all lines or~~
3 ~~facilities crossing existing lines or facilities, in accordance~~
4 ~~with the American Society of Civil Engineers (ASCE) most~~
5 ~~recently published standard CI/ASCE 22 and 75-22 to avoid damage~~
6 ~~to and minimize interference with a facility owner's facilities~~
7 ~~in the construction area by maintaining the clearance as~~
8 ~~provided for in the applicable easement condition or an~~
9 ~~eighteen inch clearance of the facility owner's facilities if no~~
10 ~~easement restriction exists.~~

11 (4.1) To depict lines or facilities with the appropriate
12 quality levels based on the complexity of the design and
13 construction activities obtained through the SUE process in the
14 planning and design phases, including test hole data sheet <--
15 details for lines, service lines or facilities crossing existing
16 lines, service lines or facilities in accordance with the
17 American Society of Civil Engineers (ASCE) most recently
18 published standard CI/ASCE 38.

19 (4.2) In the event that as-builts are required during the
20 construction phase, to prepare the as-builts in accordance with
21 the most recently published standard of CI/ASCE 75.

22 (5) A designer shall be deemed to have met the obligations
23 of clause (2) if he [calls] notifies the One Call System and
24 shows, as proof, the serial number of one call notice on
25 drawings. The designer shall also show the toll-free number of
26 the One Call System on the drawing near his serial number.

27 * * *

28 Section 5. It shall be the duty of each excavator who
29 intends to perform excavation or demolition work within this
30 Commonwealth:

1 (2.1) To [request] submit a locate request to identify the
2 location and type of facility owner lines at each work site by
3 notifying the facility owner through the One Call System.
4 Notification shall be not less than three nor more than ten
5 business days in advance of beginning excavation or demolition
6 work. No work shall begin earlier than the lawful start date
7 which shall be on or after the third business day after
8 notification. The lawful start date shall exclude the date upon
9 which notification was received by the One Call System and
10 notification received on a Saturday, Sunday or holiday, which
11 shall be processed on the following business day. In the case of
12 a complex project, notification shall not be less than ten
13 business days in advance of the beginning of excavation or
14 demolition work.

15 * * *

16 ~~(4) To exercise due care and to take all reasonable steps~~ <--
17 ~~necessary to avoid injury to or otherwise interfere with all~~
18 ~~lines where positions have been provided to the excavator by the~~
19 ~~facility owners pursuant to section 2(5). Within the tolerance~~
20 ~~zone the excavator shall employ prudent techniques, which may~~
21 ~~include hand dug test holes, vacuum excavation or similar~~
22 ~~devices to ascertain the precise position of such facilities. If~~
23 ~~insufficient information to safely excavate is available~~
24 ~~pursuant to section 2(5), the excavator shall employ like~~
25 ~~prudent techniques which shall be paid for by the project owner~~
26 ~~pursuant to clause (15). An excavator shall not be liable for a~~
27 ~~violation relating to shallow depth lines not installed or~~
28 ~~maintained by a facility owner to a depth required by Federal~~
29 ~~law.~~

30 * * *

1 (8) To immediately notify 911 and the facility owner if the
2 damage results in the escape of any flammable, toxic or
3 corrosive gas or liquid [which endangers life, health or
4 property]. The excavator shall take reasonable measures, based
5 on its knowledge, training, resources, experience and
6 understanding of the situation, to protect themselves and those
7 in immediate danger, the general public, the property and the
8 environment until the facility owner or emergency responders
9 have arrived and completed their assessment and shall remain on
10 the work site to convey any pertinent information to responders
11 that may help them to safely mitigate the situation.

12 * * *

13 (11.2) [If using horizontal directional drilling (HDD), at]
14 ~~At~~ IF USING TRENCHLESS TECHNOLOGY, AT a minimum, to utilize the <--
15 best practices published by the [HDD Consortium] COMMON GROUND <--
16 ALLIANCE.

17 * * *

18 (15) When the information required from the facility owner
19 under section 2(5)(i) cannot be provided or, due to the nature
20 of the information received from the facility owner, it is
21 reasonably necessary for the excavator to ascertain the precise
22 location of any line or abandoned or unclaimed lines by prudent
23 techniques, which may include hand-dug test holes, vacuum
24 excavation or other similar devices, the excavator shall
25 promptly notify the project owner or the project owner's
26 representative, either orally or in writing. If oral
27 notification is given, the notice shall be reduced to writing
28 within a reasonable time by the project owner or excavator.
29 After giving such notice, the excavator shall be entitled to
30 compensation from the project owner for this additional work as

1 provided in the latest edition of the Pennsylvania Department of
2 Transportation Form 408 specifications for extra work performed
3 on a force account basis. The provisions of this subsection
4 shall not be deemed to limit any other rights which the
5 excavator has under its contract with the project owner or
6 otherwise. Provisions in any contract, public or private, which
7 attempt to limit the rights of excavators under this section
8 shall not be valid for any reason, and any attempted waiver of
9 this section shall be void and unenforceable as against public
10 policy and any such attempted waiver shall be reported to the
11 commission prosecutor staff for appropriate action, including
12 the imposition of an administrative penalty under section 7.10.

13 (16) To submit a report of an alleged violation to the
14 commission through the One Call System not more than [ten
15 business] thirty days after striking or damaging a facility
16 owner's line during excavation or demolition or if the excavator
17 believes a violation of this act has been committed in
18 association with excavation or demolition work. The report of an
19 alleged violation shall be in a form and manner as required by
20 the commission.

21 * * *

22 (20) To renotify the One Call System of an unmarked or
23 incorrectly marked facility, if an original, proper[,
24 nonemergency] locate request has been made to the One Call
25 System and, upon initial arrival at the proposed work site, it
26 is apparent to the excavator that there is an unmarked or
27 incorrectly marked facility. An excavator may not begin
28 excavating in the affected area of the work site until after
29 receiving sufficient information from the facility owner to
30 safely excavate. If the facility owner fails to provide

1 sufficient information to the excavator within three hours after
2 the excavator has notified the One Call System of the unmarked
3 or incorrectly marked facility, the excavator may proceed with
4 excavation subject to the limitations under clause (5). This
5 clause shall apply to an emergency or nonemergency locate
6 request.

7 * * *

8 (22) To refrain from providing NOT PROVIDE a <--
9 misrepresentation of an emergency excavation, subject to an
10 administrative penalty imposed under section 7.10.

11 (23) To not delegate the excavator's duty to submit a locate
12 request to the One Call System to another person. The excavator
13 shall have the sole responsibility to submit each locate request
14 to the One Call System.

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

18 (1) To utilize [sufficient quality levels of] subsurface
19 utility engineering or other similar techniques whenever
20 practicable to properly determine the existence and positions of
21 underground facilities when designing known complex projects
22 having an estimated cost of four hundred thousand dollars
23 (\$400,000) or more.

24 (2) To timely respond to notifications received from
25 excavators pursuant to section 5(15). Provisions in any
26 contract, public or private, which attempt to limit the rights
27 of excavators under section 5 shall not be valid for any reason,
28 and any attempted waiver of section 5 shall be void and
29 unenforceable as against public policy and any such attempted
30 waiver shall be reported to the commission prosecutor staff for

1 appropriate action, including the imposition of an
2 administrative penalty under section 7.10.

3 * * *

4 (7) To submit a report of alleged violation to the
5 commission through the One Call System not more than [ten
6 business] thirty days after striking or damaging a facility
7 owner's line during excavation or demolition work activities,
8 after a project owner's contracted excavator strikes or damages
9 a facility owner's line during excavation or demolition
10 activities or if the project owner believes a violation of this
11 act has been committed in association with excavation or
12 demolition. The report of alleged violation shall be in a form
13 and manner as required by the commission.

14 (8) To comply with all requests for information by the
15 commission relating to the commission's enforcement authority
16 under this act within thirty days of receipt of the WRITTEN <--
17 request.

18 Section 4. Section ~~7.8(a)(1)(iv), (2), (3),~~ 7.8(A)(2) AND <--
19 (5)(i), (b)(1) and (5), (c)(1)(ii) and (2), (d) and (e)(3) of
20 the act are amended, ~~subsection (a)(1) is amended by adding a~~ <--
21 ~~subparagraph~~ and subsection (c) is amended by adding a clause to
22 read:

23 Section 7.8. (a) A damage prevention committee shall be
24 established as follows:

25 ~~(1) The committee shall consist of the following members,~~ <--
26 ~~appointed by the commission:~~

27 * * *

28 ~~(iv) One representative from each of the following~~
29 ~~nonmunicipally owned or affiliated facility owner industries:~~
30 ~~electric, [natural gas or petroleum pipelines,] telephone, water~~

1 ~~or wastewater and cable television, nominated by facility owners~~
2 ~~or affiliated organizations.~~

3 ~~(iv.1) Two representatives from nonmunicipally owned or~~
4 ~~affiliated facility owner natural gas or petroleum pipelines~~
5 ~~industries, nominated by facility owners or affiliated~~
6 ~~organizations.~~

7 * * *

8 (2) A person appointed to the committee must ~~have expertise <--~~
9 ~~within the operation of this act] maintain employment within <--~~
10 RELATED TO the industry represented. <--

11 ~~(3) A nomination under clause (1)(iv), (iv.1), (v), (vi) and <--~~
12 ~~(vii) shall be forwarded to the secretary of the commission. The~~
13 ~~executive director of the commission shall provide recommended~~
14 ~~candidates to the commission for approval.~~

15 * * *

16 (5) The initial term of committee members shall be as
17 follows:

18 (i) Two representatives of facility owners under clause (1)
19 (iv) shall serve three years, one representative shall serve two
20 years and two representatives shall serve one year.

21 * * *

22 (b) The committee shall meet regularly to carry out the
23 following purposes:

24 (1) Review a report of an alleged violation of this act and
25 damage prevention investigator findings [and recommendations.]
26 concerning the basis or root cause of the alleged violation
27 reported and recommendations proposed to address the alleged
28 violation.

29 * * *

30 (5) Issue an informal determination that modifies or

1 dismisses a recommendation of [committee staff] the damage
2 prevention investigator.

3 (c) The following shall apply to alleged violations:

4 (1) A person determined, in a report issued by a damage
5 prevention investigator, to have committed an alleged violation
6 shall do one of the following:

7 * * *

8 (ii) Appear before the [commission] committee to present its
9 position.

10 (2) A person who is subject to an informal determination of
11 the committee may accept or reject the result. If [an informal
12 determination is rejected,] a person who is subject to an
13 informal determination opts to reject the informal
14 determination, the person shall reject the informal
15 determination in writing within thirty days of the date when the
16 informal determination is made by the committee and the matter
17 shall be [returned to the damage prevention investigator for
18 further action, if appropriate, including referring the matter]
19 referred to the commission prosecutor staff for [the purpose of
20 issuing a formal complaint.] an action resulting in a formal
21 complaint before the commission. An action resulting in a formal
22 complaint before the commission must be brought by commission
23 prosecutor staff within the time limits specified under 66
24 Pa.C.S. § 3314(a) (relating to limitation of actions and
25 cumulation of remedies).

26 (3) When a written rejection of an informal determination
27 under clause (2) results in a formal complaint before the
28 commission, the commission shall conduct a de novo review of the
29 alleged violation. The informal determination of the committee
30 shall not be binding upon the commission.

1 (d) Except for alleged violations involving injury or death,
2 the provisions of subsection (c) [may] shall be applied in
3 advance or instead of filing a formal complaint against a person
4 determined, in a report issued by a damage prevention
5 investigator, to have committed an alleged violation. An
6 informal determination of the committee shall be binding on the
7 commission unless the person rejects the informal determination.

8 (e) The committee shall have the following additional
9 duties:

10 * * *

11 (3) Submit an annual report containing relevant damage
12 prevention data to the commission, the Committee on Consumer
13 Protection and Professional Licensure of the Senate and the
14 Committee on Consumer [Affairs] PROTECTION, TECHNOLOGY AND <--
15 UTILITIES of the House of Representatives. The report shall
16 include relevant metrics to demonstrate how the DAMAGE <--
17 PREVENTION committee's actions advance the goal of minimizing
18 the occurrence of line hits and enhance public safety.

19 * * *

20 Section 5. ~~Sections~~ SECTION 7.10(c) ~~and 39~~ of the act are IS <--
21 amended to read:

22 Section 7.10. * * *

23 (c) The following shall apply:

24 (1) An administrative penalty recovered under this section
25 shall be payable to the commission and collected in the manner
26 provided for by law.

27 (2) A person or entity violating this act must pay an
28 administrative penalty to the commission within sixty days of
29 issuance of the informal determination, unless the person who is <--
30 OR ENTITY subject to the informal determination rejects the <--

1 informal determination within thirty days in accordance with
2 section 7.8(c)(2).

3 (3) The commission shall assess an additional administrative
4 penalty of one hundred dollars (\$100) per day, not to exceed a
5 total of five thousand dollars (\$5,000), for an administrative
6 penalty not paid within the period specified under paragraph
7 (2).

8 (4) A person OR ENTITY subject to an informal determination <--
9 of the committee requiring a damage prevention educational
10 program under section 7.8(b)(4) shall successfully complete the
11 program within sixty days of issuance of the informal
12 determination. The commission shall assess an additional
13 administrative penalty of one hundred dollars (\$100) per day,
14 not to exceed a total of five thousand dollars (\$5,000), on a
15 person ~~who~~ OR ENTITY THAT fails to comply with this clause. <--

16 * * *

17 ~~Section 39. This act shall expire on December 31, [2024]~~ <--
18 ~~2034.~~

19 SECTION 6. SECTION 39 OF THE ACT IS REPEALED: <--

20 [SECTION 39. THIS ACT SHALL EXPIRE ON DECEMBER 31, 2024.]

21 Section ~~6~~ 7. This act shall take effect in 60 days. <--