

SB243 INTRODUCED



1 HB9D88-1
2 By Senator Chambliss
3 RFD: State Governmental Affairs
4 First Read: 25-Apr-23
5
6 2023 Regular Session



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SYNOPSIS:

Under existing law, any person who plans to perform excavation or demolition work is required to submit a design or survey locate request to the One-Call Notification System for information on the location of any underground facilities, and the underground facility operator is required to respond to the request within five days.

This bill would authorize a design professional, who has received no response from an operator after two design or survey locate requests have been submitted and have expired, to employ an independent third-party locator at the expense of the operator.

A BILL
TO BE ENTITLED
AN ACT

Relating to the One-Call Notification System; to amend Section 37-15-4.1, Code of Alabama 1975, to authorize a design professional to hire a third-party locator, at the expense of the underground facility operator, after two design or survey locate requests have been submitted and expired without response by the operator.



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29 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

30 Section 1. Section 37-15-4.1 of the Code of Alabama
31 1975, is amended to read as follows:

32 "§37-15-4.1

33 (a) Any person may submit a design or survey locate
34 request to the One-Call Notification System. The design or
35 survey locate request shall describe the tract or parcel of
36 land for which the design or survey locate request has been
37 submitted with sufficient particularity as defined by policies
38 developed and ~~promulgated~~ adopted by the One-Call Notification
39 System to enable the facility operator to ascertain the
40 precise tract or parcel of land involved and state the name,
41 address, telephone number, and facsimile number of the person
42 who has submitted the design or survey locate request and the
43 company name of the project owner.

44 (b) Within five working days after a design or survey
45 locate request has been submitted to the One-Call Notification
46 System for a proposed project, the operator shall respond by
47 one of the following methods:

48 (1) Marking the approximate location of all underground
49 facilities in the area of proposed excavation.

50 (2) Providing to the person submitting the design or
51 survey locate request the best available description of all
52 underground facilities in the area of proposed excavation
53 which may include drawings of underground facilities already
54 built in the area or other facility records that are
55 maintained by the facility operator.

56 (3) Allowing the person submitting the design or survey



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57 locate request or any other authorized person to inspect or
58 copy the drawings or other records for all underground
59 facilities within the proposed area of excavation.

60 (c) If the operator fails to timely respond to a design
61 professional, as defined in Section 41-9A-3, after two design
62 or survey locate requests have been submitted and have
63 expired, the design professional who submitted the design or
64 survey locate request may employ an independent third-party
65 line locator at the expense of the operator."

66 Section 2. This act shall become effective on the first
67 day of the third month following its passage and approval by
68 the Governor, or its otherwise becoming law.