

HB443 INTRODUCED



1 HB443
2 V7MRRLP-1
3 By Representative Marques
4 RFD: Transportation, Utilities and Infrastructure
5 First Read: 18-Mar-25



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SYNOPSIS:

Under existing law, the Underground Damage Prevention Program exists to administer the One-Call Notification System to safeguard against injury and loss of life due to excavation or demolition and to protect underground facilities from costly damage and the interruption of utility or other services to the general public.

The program is subject to a statutory sunset clause which takes effect on January 1, 2027.

This bill would extend the statutory sunset clause to January 1, 2035.

A BILL
TO BE ENTITLED
AN ACT

Relating to the Underground Damage Prevention Program; to amend Section 37-15-5, Code of Alabama 1975, to extend the existing statutory sunset clause related to the program.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 37-15-5, Code of Alabama 1975, is amended to read as follows:

"§37-15-5



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29 (a) Until January 1, ~~2027~~2035:

30 (1) Operators who have underground facilities within
31 this state shall participate in and utilize the services of
32 the One-Call Notification System.

33 ~~(2) Operators that are members of the One-Call~~
34 ~~Notification System on January 1, 2020, must remain members.~~

35 ~~(3) Operators with more than 25,000 customers or 500~~
36 ~~miles of facilities, that are not members, must join the~~
37 ~~One-Call Notification System by January 1, 2021.~~

38 ~~(4) Operators that do not meet the thresholds described~~
39 ~~in subdivision (2) or (3), must join the One-Call Notification~~
40 ~~System by January 1, 2022.~~

41 ~~(5)~~ (2) Operators of electrical underground facilities
42 that join the One-Call Notification System ~~under the~~
43 ~~requirements of subdivision (3) or (4)~~ having less than five
44 percent underground trench miles compared to the total miles
45 of line, are not subject to the membership costs until their
46 underground trench miles exceed the trench mile exemption.
47 These operators shall ~~be required to~~ report annually to the
48 One-Call Notification System their percentage of underground
49 trench miles by the end of each calendar year.

50 ~~(6)~~ (3) If an operator of an underground facility fails
51 to become a member of the One-Call Notification System, as
52 required by this chapter, and that failure is a cause of
53 damage to that underground facility caused by a person who has
54 complied with this chapter and has exercised reasonable care
55 in the performance of the excavations that has caused damage
56 to the underground facility, the operator has no right of



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57 recovery against the person for the damage to that underground
58 facility.

59 (b) ~~Between April 18, 1994, and January 1, 1995, or any~~
60 ~~time thereafter, any~~Any non-profitnonprofit corporation,
61 public corporation, or governmental entity desiring to become
62 the One-Call Notification System shall apply to the Alabama
63 Public Service Commission for a certificate of public
64 convenience and necessity, verifying under oath that the
65 applicant meets the requirements of this chapter. After a
66 public hearing on the application, if the Alabama Public
67 Service Commission deems that the applicant meets the
68 requirements of this chapter, and if it is found that the
69 applicant is fit, willing, and able to properly perform the
70 services proposed and that the proposed service is or will be
71 required by the present or future public convenience or
72 necessity, then ~~in such event~~ the Alabama Public Service
73 Commission may issue a certificate of public convenience and
74 necessity authorizing the applicant to commence its operation
75 as the One-Call Notification System. The Alabama Public
76 Service Commission shall revoke a certificate if the
77 ~~non-profit~~nonprofit corporation, public corporation, or
78 governmental entity ceases to meet the requirements as set
79 forth in this chapter. The One-Call Notification System must
80 provide a report of operations and financial review or audit
81 to the Public Service Commission annually.

82 (c) Subject to subsections (a) and (b), there shall be
83 a statewide One-Call Notification System in accordance with
84 this chapter to provide notice of all excavation or demolition



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85 near underground facilities.

86 (d) The One-Call Notification System shall be
87 incorporated or operated as a ~~non-profit~~nonprofit corporation
88 and governed by a board of directors representing its
89 membership in accordance with the One-Call Notification System
90 bylaws.

91 (e) Operators of underground natural gas or hazardous
92 liquid pipeline facilities or the One-Call Notification System
93 acting on their behalf shall develop and implement a public
94 awareness and damage prevention program to educate the general
95 public, excavators, and operators about the availability and
96 use of the One-Call Notification System as required in
97 applicable federal regulations and the requirements of this
98 chapter.

99 (f) The person giving notice of intent to excavate or
100 demolish shall be furnished an individual reference file
101 number for each notification and upon request shall be
102 furnished the names of the operators to whom the notification
103 will be transmitted.

104 (g) An adequate record of notifications shall be
105 maintained by the underground facility operator or the
106 One-Call Notification System in order to document timely
107 compliance with this chapter. These records shall be retained
108 for a period of not less than three years and shall be made
109 available at a reasonable cost upon proper and adequate
110 advance request.

111 (h) The services of the One-Call Notification System
112 should be provided on working days in accordance with the



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113 established working day hours.

114 (i) The One-Call Notification System should voice
115 record the notification telephone calls and after hours calls
116 should at least reach a voice recording which explains
117 emergency procedures.

118 (j) All members of the One-Call Notification System
119 shall provide the One-Call Notification System with the
120 following information:

121 (1) The notification area data in a format as required
122 by the current database system utilized by the One-Call
123 Notification System for the locations in which members have
124 underground facilities or for other reasons wish to receive
125 notifications of proposed excavations, demolitions, or
126 blasting. This information shall be updated at least once a
127 year.

128 (2) The name, address, and telephone number of a person
129 to receive emergency notifications.

130 (k) The One-Call Notification System shall promptly
131 transmit the information received from the excavator, as set
132 forth in Section 37-15-4, to its appropriate member operators.

133 (l) All members of the One-Call Notification System who
134 have changes, additions, or new installations of buried
135 facilities within the boundaries of the State of Alabama shall
136 notify the One-Call Notification System of changes in the
137 information required in subdivision ~~(1) of subsection~~ (j) (1),
138 within 30 days of the completion of such change, addition, or
139 new installation."

140 Section 2. This act shall become effective on January



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141 1, 2026.