

See Small Business 4/7/87

Reprinted 4/87

MAR 25 1987

HOUSE FILE 646

Place On Calendar

BY COMMITTEE ON SMALL BUSINESS
AND COMMERCE

(Formerly House Study Bill 280)

Passed House, Date 4-3-87 (3/129) Passed Senate, Date 4/22/87 (2144L)

Vote: Ayes 96 Nays 0 Vote: Ayes 45 Nays 2

Approved - May 15, 1987

A BILL FOR

1 An Act relating to the exchange of information regarding
2 underground facilities and excavations affecting underground
3 facilities.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 646

1 Section 1. NEW SECTION. 479A.1 DEFINITIONS.

2 1. "Excavation" means an operation in which earth, rock,
3 or other material in or on the ground is moved, removed, or
4 otherwise displaced by means of any tools, equipment, or
5 explosives and includes, without limitation, grading,
6 trenching, tiling, digging, ditching, drilling, augering,
7 tunneling, scraping, cable or pipe plowing, driving, and
8 demolition of structures.

9 2. "One-call system" means an organization or office
10 established by two or more underground facility operators for
11 the purpose of receiving notice of intent to excavate from an
12 excavator and transmitting the information to the
13 participating underground facility operators.

14 3. "Person" means a person as defined in section 4.1,
15 subsection 13.

16 4. "Underground facility" means an item of personal
17 property which is buried or placed below ground for use in
18 connection with the storage or conveyance of water, sewage,
19 electronic, telephonic, or telegraphic communications,
20 electric energy, oil, gas, or other substances, and includes
21 but is not limited to pipes, sewers, conduits, cables, valves,
22 lines, wires, manholes, and attachments to such property.

23 5. "Excavator" means a person proposing to engage or
24 engaging in excavation.

25 6. "Underground facility operator" means a person owning
26 or operating underground facilities including, but not limited
27 to, public, private, and municipal utilities.

28 Sec. 2. NEW SECTION. 479A.2 PUBLIC FILING OF LOCATION
29 INFORMATION.

30 Within thirty days after the effective date of this Act,
31 every underground facility operator or the operator's designee
32 shall file with the county recorder in each county where the
33 operator is doing business and with the clerk of each city of
34 this state having a population of two thousand or more located
35 within a county having a population of twenty-five thousand or

1 more, in which the operator is doing business, a description
2 of the means and manner by which excavators are to notify the
3 underground facility operator of proposed excavation
4 activities and an indication as to whether the underground
5 facility operator owns or operates facilities within a
6 township or city. The underground facility operator or the
7 operator's designee shall promptly update the information on
8 file as needed. If the underground facility operator
9 designates a one-call system, the one-call system may make a
10 consolidated filing on behalf of its members.

11 Sec. 3. NEW SECTION. 479A.3 NOTICE OF EXCAVATION.

12 A person shall not make or begin excavation in any public
13 or private land, street, alley, or right-of-way dedicated to
14 the public use or easement without first contacting the office
15 of the county recorder, or if the site is within a city with a
16 population of two thousand or more located within a county
17 with a population of twenty-five thousand or more, the city
18 clerk, to receive any information filed with the recorder or
19 clerk regarding the site. The recorder and clerk shall
20 provide pertinent information to the person on a township or
21 city basis. If pertinent information regarding the site is on
22 file, the excavator shall notify each identified underground
23 facility operator in the manner stated in the filing made in
24 accordance with section 479A.2 or by calling the telephone
25 number listed on signs installed by the underground facility
26 operator to mark the approximate location of the operator's
27 facilities. Notice to a one-call system shall constitute
28 notice to all members participating in that system.

29 Notice shall consist of at least all of the following
30 information:

- 31 1. The name of the individual providing notice.
- 32 2. The location of the proposed site of excavation or
33 demolition.
- 34 3. The name, address, and telephone number of the
35 excavator or excavator's company.

1 4. The excavator's field telephone number, if one is
2 available.

3 5. The type and the extent of the proposed work.

4 6. Whether or not the discharging of explosives is
5 anticipated.

6 7. The date and time when the work is to begin.

7 Sec. 4. NEW SECTION. 479A.4 RESPONDING TO NOTICE.

8 Every underground facility operator, upon receiving notice
9 from an excavator as provided in section 479A.3, shall inform
10 the excavator as promptly as practical, unless otherwise
11 mutually agreed upon, of any underground facilities near the
12 work site which the excavator owns or operates, and if
13 underground facilities are present, the operator shall
14 identify by reasonable and customary means readily discernible
15 to the excavator, the correct location of the underground
16 facilities. The underground facility operator shall not
17 charge the excavator for locating the operator's facilities.

18 If an underground facility operator, after being given
19 notice, informs the excavator that underground facilities are
20 present, the operator may have a representative present during
21 any excavation or related activities and shall be given free
22 access to the site by the excavator.

23 EXPLANATION

24 This bill provides for public filing by utilities and
25 others who have underground equipment buried within certain
26 geographic boundaries. Filings are made with the city clerk
27 in cities of 2000 or more population within counties with a
28 population of at least 25,000; otherwise filings are made with
29 the county recorder. The filing must designate the means and
30 manner by which excavators are to notify the underground
31 equipment operator of proposed excavation activities. A
32 utility or other operator may designate a one-call system. A
33 person proposing to excavate is required to contact the
34 applicable county recorder or city clerk to receive any
35 information on file regarding buried facilities in the

1 vicinity of the excavation site. The excavator is then
2 required to give certain notices to persons listed as having
3 underground equipment in the general area in the recorder's or
4 clerk's office. The utility or other owner of underground
5 equipment is required to identify the location of the
6 underground facilities for the excavator.

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HOUSE FILE 646

H-3504

Amend House File 646 as follows:

1. Page 1, line 12, by inserting after the word "information" the following: "in the notice".

2. By striking page 1, line 28 through page 3, line 22 and inserting the following:

"Sec. 2. NEW SECTION. 479A.2 PUBLIC FILING OF LOCATION INFORMATION.

1. Within six months after the effective date of this Act, every underground facility operator shall file with the county recorder information delineating the townships and cities within the county in which underground facilities are owned or operated by the underground facility operator, except that the underground facility operator is not required to file information relating to underground facilities located on real property owned by the underground facility operator. However, for underground facilities located in a city with a population of two thousand or more within a county with a population of twenty-five thousand or more, based on the most recent federal decennial census, the underground facility operator shall file the information with the clerk of that city rather than with the county recorder. The underground facility operator shall promptly update the information on file as needed. The information shall include the underground facility operator's name, address, and a telephone number or numbers answered twenty-four hours a day, seven days a week.

2. In lieu of filing information describing the underground facilities owned or operated within a county or city as required by this section, an underground facility operator may designate a one-call system to receive notice of intent to excavate from an excavator and shall file only the name, address, and a telephone number or numbers, answered twenty-four hours a day, seven days a week, of the one-call system with the county recorder or city clerk respectively.

Sec. 3. NEW SECTION. 479A.3 NOTICE OF EXCAVATION.

1. An excavator shall not make or begin excavation in any public or private land, street, alley, or right-of-way to the public use or easement within a county without first notifying the office of the county recorder of the intent to begin excavation. However, for underground facilities located in a city with a population of two thousand or more within a county with a population of twenty-five thousand or more, the excavator shall first notify the office of the city clerk, rather than the office of the county recorder, of the intent to begin excavation within

P.2 1 that city. The county recorder or the city clerk
2 respectively shall provide any pertinent information
3 on file by township or city to the excavator, or shall
4 provide the name, address, and a telephone number or
5 numbers, answered twenty-four hours a day, seven days
6 a week, of a pertinent one-call system.

7 2. Before beginning excavation, the excavator
8 shall notify each identified individual underground
9 facility operator and any identified one-call system
10 of the intent to begin excavation. The notice shall
11 include all of the following:

12 a. The name of the individual providing notice.

13 b. The location of the proposed site of
14 excavation.

15 c. The name, address, and telephone number of the
16 excavator.

17 d. The excavator's field telephone number, if one
18 is available.

19 e. The type and the extent of the proposed work on
20 the site.

21 f. Whether the discharging of explosives is
22 anticipated on the work site.

23 g. The date and time when work is to begin on the
24 site.

25 3. For individual underground facility operators,
26 the county recorder and the city clerk shall
27 respectively provide the excavator with the
28 information on file regarding the proposed excavation
29 site. For underground facility operators which are
30 members of a one-call system, the county recorder or
31 city clerk shall respectively provide the excavator
32 with the name, address, and a telephone number or
33 numbers, answered twenty-four hours a day, seven days
34 a week, of the one-call system.

35 Sec. 4. NEW SECTION. 479A.4 RESPONDING TO
36 NOTICE.

37 An underground facility operator, upon receiving
38 notice from an excavator as provided in section
39 479A.3, shall inform the excavator as promptly as
40 practical of any underground facilities near the
41 proposed excavation site. If underground facilities
42 are present, the underground facility operator shall
43 mark the location of the underground facilities,
44 within forty-eight hours of the notice from the
45 excavator, unless otherwise mutually agreed upon, with
46 appropriate marker flags, paint, or stakes, or a
47 combination thereof, on the land surface above the
48 underground facilities for a distance of fifty feet
49 either side of the proposed excavation site, unless
50 the excavation necessitates a greater distance. Such

P.3 1 markers shall be placed at twenty-five foot intervals,
2 where physically possible, along the route of the
3 underground facilities. The underground facility
4 operator shall not charge the excavator for the
5 placement of the markers or for locating the
6 underground facilities. If an underground facility
7 operator, after being given notice, informs the
8 excavator that underground facilities are present, the
9 operator may have a representative present during any
10 excavation or related activities and shall be given
11 free access to the excavation site by the excavator."

1 Amend the amendment, H-3504, to House File 646, as
 follows:

- A 1. Page 1, line 6, by striking the word "FILING"
 4 and inserting the following: "DEPOSIT".
 5 2. Page 1, line 10, by striking the word "file"
 6 and inserting the following: "deposit".
 7 3. Page 1, line 10, by striking the word
 8 "information" and inserting the following:
 9 "sufficient copies of information, in a form which can
 10 be easily received and updated,".
 11 4. Page 1, line 14, by striking the word "file"
 12 and inserting the following: "deposit".
 13 5. Page 1, line 22, by striking the word "file"
 14 and inserting the following: "deposit".
 15 6. Page 1, line 25, by striking the words "file
 16 as needed" and inserting the following: "deposit".
 17 7. Page 1, line 29, by striking the word "filing"
 18 and inserting the following: "depositing".
 19 8. Page 1, line 34, by striking the word "file"
 20 and inserting the following: "deposit".
 21 9. Page 1, by inserting after line 37 the
 22 following:
 23 "3. County recorders and city clerks shall not
 24 assess any fees for the depositing of information by
 25 underground facility operators or by a one-call system
 26 in the recorder's or clerk's office."
 B 10. Page 1, by striking lines 43 and 44, and
 29 inserting the following: "county without first
 30 visiting the office of the county recorder to receive
 31 copies of information regarding the location of
 32 underground facilities on deposit in the office."
 33 11. Page 1, line 48, by striking the word
 34 "notify" and inserting the following: "visit".
 35 12. Page 1, by striking line 50 and inserting the
 36 following: "recorder, to receive copies of
 37 information on deposit regarding the location of
 38 underground facilities within".
 A 13. Page 2, line 2, by inserting after the word
 39 "provide" the following: "access to".
 40 14. Page 2, line 3 by striking the word "file"
 41 and inserting the following: "deposit".
 42 15. Page 2, line 27, by inserting after the word
 43 "with" the following: "access to".
 44 16. Page 2, line 28, by striking the word "file"
 45 and inserting the following: "deposit".
 46 17. Page 2, line 34, by inserting after the word
 47 "system." the following: "County recorders and city
 48 clerks shall not assess any fees for providing access
 49 to this information.
 50 4. County recorders and city clerks are immune

from any civil or criminal liability for receiving and
 providing access to the information required to be
 3 deposited with and made available from the recorders'
 4 or clerks' offices by this chapter."

HOUSE FILE 646
BY COMMITTEE ON SMALL BUSINESS
AND COMMERCE

(As Amended and Passed by the House April 3, 1987)

Passed House, Date 4/27/87 (p. 1113) Passed Senate, Date 4/22/87 (p. 1446)
Vote: Ayes 91 Nays 0 Vote: Ayes 45 Nays 2
Approved May 15, 1987

A BILL FOR

1 An Act relating to the exchange of information regarding
2 underground facilities and excavations affecting underground
3 facilities.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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House Amendments _____

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1 Section 1. NEW SECTION. 479A.1 DEFINITIONS.

2 1. "Excavation" means an operation in which earth, rock,
3 or other material in or on the ground is moved, removed, or
4 otherwise displaced by means of any tools, equipment, or
5 explosives and includes, without limitation, grading,
6 trenching, tiling, digging, ditching, drilling, augering,
7 tunneling, scraping, cable or pipe plowing, driving, and
8 demolition of structures.

9 2. "One-call system" means an organization or office
10 established by two or more underground facility operators for
11 the purpose of receiving notice of intent to excavate from an
12 excavator and transmitting the information in the notice to
13 the participating underground facility operators.

14 3. "Person" means a person as defined in section 4.1,
15 subsection 13.

16 4. "Underground facility" means an item of personal
17 property which is buried or placed below ground for use in
18 connection with the storage or conveyance of water, sewage,
19 electronic, telephonic, or telegraphic communications,
20 electric energy, oil, gas, or other substances, and includes
21 but is not limited to pipes, sewers, conduits, cables, valves,
22 lines, wires, manholes, and attachments to such property.

23 5. "Excavator" means a person proposing to engage or
24 engaging in excavation.

25 6. "Underground facility operator" means a person owning
26 or operating underground facilities including, but not limited
27 to, public, private, and municipal utilities.

28 Sec. 2. NEW SECTION. 479A.2 PUBLIC DEPOSIT OF LOCATION
29 INFORMATION.

30 1. Within six months after the effective date of this Act,
31 every underground facility operator shall deposit with the
32 county recorder sufficient copies of information, in a form
33 which can be easily received and updated, delineating the
34 townships and cities within the county in which underground
35 facilities are owned or operated by the underground facility

1 operator, except that the underground facility operator is not
2 required to deposit information relating to underground
3 facilities located on real property owned by the underground
4 facility operator. However, for underground facilities
5 located in a city with a population of two thousand or more
6 within a county with a population of twenty-five thousand or
7 more, based on the most recent federal decennial census, the
8 underground facility operator shall deposit the information
9 with the clerk of that city rather than with the county
10 recorder. The underground facility operator shall promptly
11 update the information on deposit. The information shall
12 include the underground facility operator's name, address, and
13 a telephone number or numbers answered twenty-four hours a
14 day, seven days a week.

15 2. In lieu of depositing information describing the
16 underground facilities owned or operated within a county or
17 city as required by this section, an underground facility
18 operator may designate a one-call system to receive notice of
19 intent to excavate from an excavator and shall deposit only
20 the name, address, and a telephone number or numbers, answered
21 twenty-four hours a day, seven days a week, of the one-call
22 system with the county recorder or city clerk respectively.

23 3. County recorders and city clerks shall not assess any
24 fees for the depositing of information by underground facility
25 operators or by a one-call system in the recorder's or clerk's
26 office.

27 Sec. 3. NEW SECTION. 479A.3 NOTICE OF EXCAVATION.

28 1. An excavator shall not make or begin excavation in any
29 public or private land, street, alley, or right-of-way to the
30 public use or easement within a county without first notifying
31 the office of the county recorder of the intent to begin
32 excavation. However, for underground facilities located in a
33 city with a population of two thousand or more within a county
34 with a population of twenty-five thousand or more, the
35 excavator shall first notify the office of the city clerk,

1 rather than the office of the county recorder, of the intent
2 to begin excavation within that city. The county recorder or
3 the city clerk respectively shall provide access to any
4 pertinent information on deposit by township or city to the
5 excavator, or shall provide the name, address, and a telephone
6 number or numbers, answered twenty-four hours a day, seven
7 days a week, of a pertinent one-call system.

8 2. Before beginning excavation, the excavator shall notify
9 each identified individual underground facility operator and
10 any identified one-call system of the intent to begin
11 excavation. The notice shall include all of the following:

- 12 a. The name of the individual providing notice.
- 13 b. The location of the proposed site of excavation.
- 14 c. The name, address, and telephone number of the
15 excavator.
- 16 d. The excavator's field telephone number, if one is
17 available.
- 18 e. The type and the extent of the proposed work on the
19 site.
- 20 f. Whether the discharging of explosives is anticipated on
21 the work site.
- 22 g. The date and time when work is to begin on the site.

23 3. For individual underground facility operators, the
24 county recorder and the city clerk shall respectively provide
25 the excavator with access to the information on deposit
26 regarding the proposed excavation site. For underground
27 facility operators which are members of a one-call system, the
28 county recorder or city clerk shall respectively provide the
29 excavator with the name, address, and a telephone number or
30 numbers, answered twenty-four hours a day, seven days a week,
31 of the one-call system. County recorders and city clerks
32 shall not assess any fees for providing access to this
33 information.

34 4. County recorders and city clerks are immune from any
35 civil or criminal liability for receiving and providing access

1 to the information required to be deposited with and made
2 available from the recorders' or clerks' offices by this
3 chapter.

4 Sec. 4. NEW SECTION. 479A.4 RESPONDING TO NOTICE.

5 An underground facility operator, upon receiving notice
6 from an excavator as provided in section 479A.3, shall inform
7 the excavator as promptly as practical of any underground
8 facilities near the proposed excavation site. If underground
9 facilities are present, the underground facility operator
10 shall mark the location of the underground facilities, within
11 forty-eight hours of the notice from the excavator, unless
12 otherwise mutually agreed upon, with appropriate marker flags,
13 paint, or stakes, or a combination thereof, on the land
14 surface above the underground facilities for a distance of
15 fifty feet either side of the proposed excavation site, unless
16 the excavation necessitates a greater distance. Such markers
17 shall be placed at twenty-five foot intervals, where
18 physically possible, along the route of the underground
19 facilities. The underground facility operator shall not
20 charge the excavator for the placement of the markers or for
21 locating the underground facilities. If an underground
22 facility operator, after being given notice, informs the
23 excavator that underground facilities are present, the
24 operator may have a representative present during any
25 excavation or related activities and shall be given free
26 access to the excavation site by the excavator.

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HOUSE FILE 646

S-3518

1 Amend House File 646 as amended, passed, and
2 reprinted by the House as follows:
3 1. By striking page 2, line 27 through page 4,
4 line 26, and inserting the following:
5 "Sec. 3. NEW SECTION. 479A.3 NOTICE TO
6 EXCAVATORS.
7 1. The county recorder or the city clerk,
8 respectively, shall provide access to any pertinent
9 information on deposit by township or city to the
10 excavator, or shall provide the name, address, and a
11 telephone number or numbers, answered twenty-four
12 hours a day, seven days a week, of a pertinent one-
13 call system.
14 2. County recorders and city clerks are immune
15 from any civil or criminal liability for receiving and
16 providing access to the information required to be
17 deposited with and made available from the recorders'
18 or clerks' offices by this chapter."

S-3518

Filed April 13, 1987

*Adopted as amended by 3722
4/22/87 (p. 1446)*

BY COMMITTEE ON SMALL BUSINESS
AND ECONOMIC DEVELOPMENT
LEONARD L. BOSWELL, Chairperson

HOUSE FILE 646

S-3628

1 Amend House File 646 as amended, passed, and re-
2 printed by the House, as follows:
3 1. Page 4, line 26, by inserting after the word
4 "excavator." the following: "A public agency, as
5 defined pursuant to section 28E.2, is exempt from the
6 requirement regarding marking of a location of an
7 underground facility within forty-eight hours of the
8 notice from an excavator."

S-3628

Filed April 15, 1987

H/D 4/22 (p. 1446)

BY ALVIN V. MILLER

HOUSE FILE 646

S-3722

1 Amend the amendment, S-3518, to House File 646 as
2 amended, passed, and reprinted by the House as
3 follows:
4 1. Page 1, line 14, by striking the words "County
5 recorders and city clerks" and inserting the
6 following: "Counties and county recorders, and cities
7 and city clerks".

-3722

Filed April 22, 1987

ADOPTED (p. 1446)

BY LEONARD L. BOSWELL

SENATE AMENDMENT TO HOUSE FILE 646

H-3898

Amend House File 646 as amended, passed, and reprinted by the House as follows:

1. By striking page 2, line 27 through page 4, line 26, and inserting the following:

"Sec. 3. NEW SECTION. 479A.3 NOTICE TO EXCAVATORS.

1. The county recorder or the city clerk, respectively, shall provide access to any pertinent information on deposit by township or city to the excavator, or shall provide the name, address, and a telephone number or numbers, answered twenty-four hours a day, seven days a week, of a pertinent one-call system.

2. Counties and county recorders, and cities and city clerks are immune from any civil or criminal liability for receiving and providing access to the information required to be deposited with and made available from the recorders' or clerks' offices by this chapter."

H-3898 FILED APRIL 22, 1987

RECEIVED FROM THE SENATE

House concurred 4/27/87 (p 1672)

HSB 280

SMALL BUSINESS AND COMMERCE

HOUSE FILE _____

BY (PROPOSED COMMITTEE ON SMALL BUSINESS AND COMMERCE BILL)

Passed House, Date _____ Passed Senate, Date _____

Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act relating to the establishment of a buried equipment
2 information center, and providing a penalty.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SUB COMMITTEE ASSIGNMENTS
 CHAIR: *Donahoe*
 COMMITTEE: *Small Business*
3/17/87

1 Section 1. NEW SECTION. 474.11 BURIED EQUIPMENT --
2 INFORMATIN CENTER.

3 1. A person, as defined in section 4.1, subsection 13, who
4 owns or maintains buried equipment in existence on or before
5 March 1, 1988, shall register the equipment with the utilities
6 division by May 1, 1988. A person who owns or maintains
7 buried equipment which becomes operational after March 1, 1988
8 shall immediately register the buried equipment.

9 2. The utilities division shall establish, through a
10 contractual agreement with a private agency, as defined in
11 section 28E.2, a statewide buried equipment information
12 center. The utilities division shall accept bids for the
13 information center contract from private agencies and shall
14 select a private agency to operate the information center
15 based upon the bids and proposals received.

16 3. Duties of the parties:

17 a. The private agency operating the information center
18 shall:

19 (1) Collect information and maintain records concerning
20 all buried equipment.

21 (2) Provide accurate information to any person proposing
22 construction who contacts the center, including information
23 that buried equipment does exist in the area and information
24 necessary to contact the person owning or maintaining the
25 buried equipment.

26 b. A person proposing construction involving earthwork,
27 tiling, or excavation shall:

28 (1) Contact the information center prior to the
29 performance of construction.

30 (2) Subsequent to contacting the information center,
31 contact the person who owns or maintains the buried equipment
32 to obtain necessary information and to request marking of the
33 location, route, and voltage of the buried equipment, as
34 appropriate.

35 c. The person who owns or maintains buried equipment

1 shall:

2 (1) Supply the information center with necessary
3 information.

4 (2) Provide a person proposing construction with the
5 desired information within two hours of contact by the person.

6 (3) Provide marking of the buried equipment within forty-
7 eight hours of notification of the proposed construction.

8 4. The contractual agreement between the utilities
9 division and the private agency operating the information
10 center shall include a provision which establishes a fee
11 sufficient to cover the cost of the service, to be paid to the
12 agency by both of the following:

13 a. A person proposing construction, for each request for
14 information made to the center.

15 b. A person owning or maintaining buried equipment, for
16 each request concerning that person made by a person proposing
17 construction.

18 5. A person found in violation of this section is guilty,
19 upon conviction, of a simple misdemeanor.

20

EXPLANATION

21 This bill establishes, through a contractual agreement
22 between the utilities division of the department of commerce
23 and a private agency selected through a bidding process, a
24 buried equipment information center. The bill requires a
25 person owning or maintaining buried equipment to register the
26 equipment with the utilities division by May 1, 1988. Prior
27 to construction a person is required to contact the
28 information center and contact the person responsible for the
29 equipment to request marking of the location of the equipment.
30 The person responsible for the equipment is required to supply
31 a person proposing construction with the information requested
32 within two hours of the request and mark the buried equipment
33 site within forty-eight hours of the request. The contractual
34 agreement between the utilities division and the private
35 agency supplying the information center service provides the

S.F. _____ H.F. _____

1 fees to be paid by the person owning or maintaining the
2 equipment and the person proposing construction who requests
3 information. A person in violation of this section is guilty,
4 upon conviction, of a simple misdemeanor.

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HOUSE FILE 646

AN ACT

RELATING TO THE EXCHANGE OF INFORMATION REGARDING UNDERGROUND FACILITIES AND EXCAVATIONS AFFECTING UNDERGROUND FACILITIES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. NEW SECTION. 479A.1 DEFINITIONS.

1. "Excavation" means an operation in which earth, rock, or other material in or on the ground is moved, removed, or otherwise displaced by means of any tools, equipment, or explosives and includes, without limitation, grading, trenching, tiling, digging, ditching, drilling, augering, tunneling, scraping, cable or pipe plowing, driving, and demolition of structures.

2. "One-call system" means an organization or office established by two or more underground facility operators for the purpose of receiving notice of intent to excavate from an excavator and transmitting the information in the notice to the participating underground facility operators.

3. "Person" means a person as defined in section 4.1, subsection 13.

4. "Underground facility" means an item of personal property which is buried or placed below ground for use in connection with the storage or conveyance of water, sewage, electronic, telephonic, or telegraphic communications, electric energy, oil, gas, or other substances, and includes but is not limited to pipes, sewers, conduits, cables, valves, lines, wires, manholes, and attachments to such property.

5. "Excavator" means a person proposing to engage or engaging in excavation.

6. "Underground facility operator" means a person owning or operating underground facilities including, but not limited to, public, private, and municipal utilities.

Sec. 2. NEW SECTION. 479A.2 PUBLIC DEPOSIT OF LOCATION INFORMATION.

1. Within six months after the effective date of this Act, every underground facility operator shall deposit with the county recorder sufficient copies of information, in a form which can be easily received and updated, delineating the townships and cities within the county in which underground facilities are owned or operated by the underground facility operator, except that the underground facility operator is not required to deposit information relating to underground facilities located on real property owned by the underground facility operator. However, for underground facilities located in a city with a population of two thousand or more within a county with a population of twenty-five thousand or more, based on the most recent federal decennial census, the underground facility operator shall deposit the information with the clerk of that city rather than with the county recorder. The underground facility operator shall promptly update the information on deposit. The information shall include the underground facility operator's name, address, and a telephone number or numbers answered twenty-four hours a day, seven days a week.

2. In lieu of depositing information describing the underground facilities owned or operated within a county or city as required by this section, an underground facility operator may designate a one-call system to receive notice of intent to excavate from an excavator and shall deposit only the name, address, and a telephone number or numbers, answered twenty-four hours a day, seven days a week, of the one-call system with the county recorder or city clerk respectively.

3. County recorders and city clerks shall not assess any fees for the depositing of information by underground facility operators or by a one-call system in the recorder's or clerk's office.

Sec. 3. NEW SECTION. 479A.3 NOTICE TO EXCAVATORS.

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1. The county recorder or the city clerk, respectively, shall provide access to any pertinent information on deposit by township or city to the excavator, or shall provide the name, address, and a telephone number or numbers, answered twenty-four hours a day, seven days a week, of a pertinent one-call system.

2. Counties and county recorders, and cities and city clerks are immune from any civil or criminal liability for receiving and providing access to the information required to be deposited with and made available from the recorders' or clerks' offices by this chapter.

DONALD D. AVENSON
Speaker of the House

JO ANN ZIMMERMAN
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 646, Seventy-second General Assembly.

JOSEPH O'HERN
Chief Clerk of the House

Approved May 15, 1987

TERRY E. BRANSTAD
Governor