

HOUSE BILL NO. 8

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-FIRST LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE CLAMAN

Introduced: 2/20/19

Referred: Judiciary, Resources

A BILL**FOR AN ACT ENTITLED**1 **"An Act relating to the liability of an excavator for damaging an underground facility."**2 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**3 * **Section 1.** AS 42.30.410(h) is amended to read:

4 (h) If an excavator discovers an underground facility that was not field marked
5 or was inaccurately field marked, the excavator shall immediately stop excavating in
6 the vicinity of the facility and shall notify the operator of the discovery. The excavator
7 may notify the operator by means of a notification center. The operator shall treat the
8 notification as a request to locate in an emergency and shall respond accordingly. **If an**
9 **excavator has taken all reasonable steps under AS 42.30.400 - 42.30.490 to locate**
10 **an underground facility and to contact the underground facility operator,**
11 **including giving notice to a notification center, the** [AN] excavator **is not subject**
12 **to a civil penalty under AS 42.30.440(a) or any other applicable state civil penalty**
13 **and** may not be held liable **for civil damages** for inadvertent damage **that is** caused to
14 an unmarked or an inaccurately marked underground facility **or that arises out of**
15 **inadvertently damaging the unmarked or inaccurately marked underground**

1 **facility. In this subsection, "civil damages" does not include damages for**
2 **personal injury.**

3 * **Sec. 2.** AS 42.30.440(a) is amended to read:

4 (a) In addition to all other remedies provided by law, **except as provided by**
5 **AS 42.30.410(h),** a person who violates a provision of AS 42.30.400 - 42.30.490 is
6 subject to a civil penalty of not less than \$50 nor more than \$1,000 for each offense if
7 the violation results in or significantly contributes to damage to an underground
8 facility.