

HOUSE BILL NO. 139  
INTRODUCED BY GRINDE

IN THE HOUSE

JANUARY 11, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON LOCAL GOVERNMENT.
	FIRST READING.
JANUARY 27, 1993	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
JANUARY 28, 1993	PRINTING REPORT.
JANUARY 29, 1993	SECOND READING, DO PASS.
JANUARY 30, 1993	ENGROSSING REPORT.
FEBRUARY 1, 1993	THIRD READING, PASSED. AYES, 97; NOES, 1.
	TRANSMITTED TO SENATE.

IN THE SENATE

FEBRUARY 3, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON BUSINESS & INDUSTRY.
	FIRST READING.
MARCH 6, 1993	COMMITTEE RECOMMEND BILL BE CONCURRED IN AS AMENDED. REPORT ADOPTED.
MARCH 8, 1993	SECOND READING, CONCURRED IN.
MARCH 9, 1993	THIRD READING, CONCURRED IN. AYES, 43; NOES, 5.
	RETURNED TO HOUSE WITH AMENDMENTS.

IN THE HOUSE

MARCH 31, 1993	SECOND READING, AMENDMENTS CONCURRED IN.
APRIL 2, 1993	THIRD READING, AMENDMENTS CONCURRED IN.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 House BILL NO. 139  
2 INTRODUCED BY Larry Hal Gunders  
3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT EXEMPTING LAND  
5 SURVEYORS WHO ARE HAND DIGGING FOR CERTAIN PURPOSES FROM THE  
6 PROVISION REQUIRING EXCAVATORS TO OBTAIN INFORMATION ON THE  
7 LOCATION OF UTILITIES; AND AMENDING SECTION 69-4-502, MCA."  
8  
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  
10 **Section 1.** Section 69-4-502, MCA, is amended to read:  
11 "69-4-502. Information to be sought before excavation  
12 -- notification -- exception exceptions. (1) (a) No Except  
13 as provided in subsection (1)(b), a person shall may not  
14 make or begin any excavation in any a public street, alley,  
15 right-of-way dedicated to the public use, or utility  
16 easement without first obtaining information concerning the  
17 possible location of any underground facility from each and  
18 every public utility, municipal corporation, or other person  
19 having the right to bury such underground facilities within  
20 the public street, alley, right-of-way, or utility easement.  
21 (b) A registered land surveyor or a person under the  
22 supervision of a registered land surveyor may hand dig for  
23 shallow survey monuments at a depth of 12 inches or less  
24 below the road surface of a highway or at the intersection  
25 of the center lines of public streets. The registered land

1 surveyor, prior to hand digging, shall give proper  
2 notification to the appropriate governing authority  
3 regarding safety and pavement repair and, when appropriate,  
4 shall reference the monument upon exposure. The registered  
5 land surveyor is liable for damages incurred regarding  
6 utility destruction.

7 (2) Every public utility, municipal corporation, or  
8 other person having the right to bury underground facilities  
9 shall file with the county clerk and recorder in each county  
10 where the underground facilities are located, the name,  
11 address, and telephone number of the person or persons from  
12 whom the necessary information may be obtained unless a  
13 one-call notification center is available.

14 (3) (a) A public utility, municipal corporation,  
15 underground facility owner, or person having the right to  
16 bury underground facilities must be a member of a one-call  
17 notification center covering the service area in which the  
18 entity or person has underground facilities.

19 (b) Subsection (3)(a) does not apply to an owner or  
20 occupant of real property where underground facilities are  
21 buried if the facilities are used solely to furnish services  
22 or commodities to that property and no part of the  
23 facilities are located in a public street, alley, or  
24 right-of-way dedicated to the public use."

-End-

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APPROVED BY COMM.  
ON LOCAL GOVERNMENTHOUSE BILL NO. 139  
INTRODUCED BY GRINDE

A BILL FOR AN ACT ENTITLED: "AN ACT EXEMPTING LAND SURVEYORS WHO ARE HAND DIGGING FOR CERTAIN PURPOSES FROM THE PROVISION REQUIRING EXCAVATORS TO OBTAIN INFORMATION ON THE LOCATION OF UTILITIES; DETERMINING LIABILITY FOR DAMAGES INCURRED OR SUFFERED BY LAND SURVEYORS; AND AMENDING SECTION 69-4-502, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**Section 1.** Section 69-4-502, MCA, is amended to read:

"69-4-502. Information to be sought before excavation -- notification -- exception exceptions. (1) (a) No Except as provided in subsection (1)(b), a person shall may not make or begin any excavation in any a public street, alley, right-of-way dedicated to the public use, or utility easement without first obtaining information concerning the possible location of any underground facility from each and every public utility, municipal corporation, or other person having the right to bury such underground facilities within the public street, alley, right-of-way, or utility easement.

(b) A registered land surveyor or a person under the supervision of a registered land surveyor may hand dig for shallow survey monuments at a depth of 12 inches or less

below the road surface of a highway or at the intersection of the center lines of public streets. The registered land surveyor, prior to hand digging, shall give OBTAIN proper notification-to APPROVAL FROM the appropriate governing authority regarding safety and pavement repair and, when appropriate, shall reference the monument upon exposure. THE GOVERNING AUTHORITY IS NOT LIABLE FOR ANY DAMAGES CAUSED OR SUFFERED BY THE REGISTERED LAND SURVEYOR OR ANY PERSON UNDER THE SUPERVISION OF THE REGISTERED LAND SURVEYOR. The registered land surveyor is liable for damages incurred regarding utility destruction, AND ANY PUBLIC UTILITY, MUNICIPAL CORPORATION, OR OTHER PERSON HAVING THE RIGHT TO BURY UNDERGROUND FACILITIES WITHIN THE PUBLIC STREET, ALLEY, RIGHT-OF-WAY, OR UTILITY EASEMENT IS NOT LIABLE FOR ANY DAMAGES SUFFERED BY THE REGISTERED LAND SURVEYOR OR ANY PERSON UNDER THE CONTROL OF THE REGISTERED LAND SURVEYOR.

(2) Every public utility, municipal corporation, or other person having the right to bury underground facilities shall file with the county clerk and recorder in each county where the underground facilities are located, the name, address, and telephone number of the person or persons from whom the necessary information may be obtained unless a one-call notification center is available.

(3) (a) A public utility, municipal corporation, underground facility owner, or person having the right to

1 bury underground facilities must be a member of a one-call  
2 notification center covering the service area in which the  
3 entity or person has underground facilities.

4 (b) Subsection (3)(a) does not apply to an owner or  
5 occupant of real property where underground facilities are  
6 buried if the facilities are used solely to furnish services  
7 or commodities to that property and no part of the  
8 facilities are located in a public street, alley, or  
9 right-of-way dedicated to the public use."

-End-

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16 PERSON UNDER THE CONTROL OF THE REGISTERED LAND SURVEYOR.

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1 bury underground facilities must be a member of a one-call  
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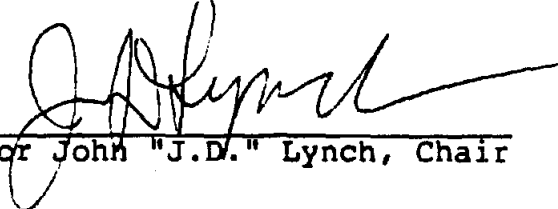
-End-

SENATE STANDING COMMITTEE REPORT

Page 1 of 1  
March 4, 1993

MR. PRESIDENT:

We, your committee on Business and Industry having had under consideration House Bill No. 139 (first reading copy -- blue), respectfully report that House Bill No. 139 be amended as follows and as so amended be concurred in.

Signed: 

Senator John "J.D." Lynch, Chair

That such amendments read:

1. Title, line 8.

Following: "INCURRED"

Strike: "OR"

Insert: ","

Following: "SUFFERED"

Insert: ", OR CAUSED"

Following: "SURVEYORS"

Insert: "OR PERSONS UNDER THE LAND SURVEYORS' CONTROL;


DETERMINING LIABILITY FOR GOVERNING AUTHORITIES FOR DAMAGES CAUSED OR SUFFERED BY LAND SURVEYORS OR PERSONS UNDER THE LAND SURVEYORS' CONTROL; DETERMINING LIABILITY FOR PUBLIC UTILITIES, MUNICIPAL CORPORATIONS, OR OTHER PERSONS HAVING THE RIGHT TO BURY UNDERGROUND FACILITIES FOR DAMAGES SUFFERED BY LAND SURVEYORS' OR PERSONS UNDER THE LAND SURVEYORS' CONTROL"

-END-

SENATE

HB 139

491158SC.San

 Amd. Coord.  
Sec. of Senate

 Brenden  
Senator Carrying Bill



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-End-