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SENATE BILL NO. 1328

Offered January 12, 2001

A BILL to amend and reenact § 56-265.16:1 of the Code of Virginia, relating to the Underground Utility Damage Prevention Act; notification centers.

Patrons—Mims, Bolling and Forbes; Delegates: Baskerville, Ingram and Morgan

Referred to Committee on Commerce and Labor

Be it enacted by the General Assembly of Virginia:

1. That § 56-265.16:1 of the Code of Virginia is amended and reenacted as follows:

§ 56-265.16:1. Operators to join notification centers; certification.

A. Every operator, including counties, cities and towns, but excluding the Department of Transportation, having the right to bury underground utility lines shall join the notification center for the area.

B. Every notification center shall be certified by the ~~State Corporation~~ Commission. *The Commission shall determine the optimum number of notification centers in the Commonwealth. If the Commission determines that there shall be more than one notification center in the Commonwealth, it shall define the geographic area to be served by each notification center.*

C. Any corporation desiring to serve as the notification center for an area of the Commonwealth may apply to the ~~State Corporation~~ Commission to be certified as the notification center for that area. The ~~State Corporation~~ Commission shall have authority to grant, amend, or revoke certificates under regulations ~~which it may adopt~~ promulgated relating to certification. *An application for certification shall include such information as the Commission may reasonably require addressing the applicant's operational plan for the notification center.*

D. Every Commission action regarding the optimum number of notification centers, the geographic area to be served by each notification center, the promulgation of notification center certification regulations, and the grant, amendment, or revocation of notification center certifications shall be made in furtherance of the purpose of preventing or mitigating loss of, or damage to, life, health, property or essential public services resulting from damage to underground utility lines. Any action by the Commission to approve or revoke any notification center certification shall:

1. Ensure protection for the public from the hazards that this chapter is intended to prevent or mitigate;

2. Ensure that all persons served by the notification center receive an acceptable level of performance, which level shall be maintained throughout the period of the notification center's certification; and

3. Require the notification center and its agents to demonstrate financial responsibility for any damages that may result from a violation of any provision of this chapter. Such requirement may be met by purchasing and maintaining liability insurance on such terms and in such amount as the Commission deems appropriate.

E. A notification center shall maintain an excavator-operator information exchange system in accordance with notification center certification regulations promulgated by the ~~State Corporation~~ Commission. The members of a notification center shall be responsible for developing and implementing a public awareness program to ensure that all parties affected by this chapter shall be aware of their responsibilities. There shall be only one notification center certified for each geographic area defined by the ~~State Corporation~~ Commission.

INTRODUCED

SB1328