

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                   STATE OF OKLAHOMA

3                   1st Session of the 60th Legislature (2025)

4 COMMITTEE SUBSTITUTE  
FOR  
5 HOUSE BILL NO. 1666

By: Cantrell of the House

6                   and

7                   **Frix** of the Senate

10                   COMMITTEE SUBSTITUTE

11                   An Act relating to public health and safety; amending  
12                   63 O.S. 2021, Section 142.2, as last amended by  
13                   Section 1, Chapter 118, O.S.L. 2024 (63 O.S. Supp.  
14                   2024, Section 142.2), which relates to definitions  
used in the Oklahoma Underground Facilities Damage  
Preventions Act; modifying definition; and providing  
an effective date.

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17 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

18                   SECTION 1.       AMENDATORY       63 O.S. 2021, Section 142.2, as  
19                   last amended by Section 1, Chapter 118, O.S.L. 2024 (63 O.S. Supp.  
20                   2024, Section 142.2), is amended to read as follows:

21                   Section 142.2. As used in the Oklahoma Underground Facilities  
22                   Damage Prevention Act:

23                   1. "Certified project" means a project where the public agency  
24                   responsible for the public project, in consultation with the

1 statewide one-call notification center, as part of its procedure,  
2 certifies that the project right-of-way is free and clear of  
3 underground facilities or wherein the public agency responsible for  
4 such project, as part of its procedure, notifies all persons  
5 determined by the public agency to have underground facilities  
6 located within the construction right-of-way and certifies that all  
7 known underground facilities are duly located or noted on the  
8 engineering drawings for the project;

9       2. "Damage" means any impact upon or removal of support from an  
10 underground facility as a result of explosion, excavation or  
11 demolition which according to the operating practices of the  
12 operator of the underground facilities would necessitate the repair  
13 thereof;

14       3. "Demolish" means to wreck, raze, render, move or remove a  
15 structure by means of any equipment or explosive;

16       4. "Demolition" means the act or operation of demolishing a  
17 structure;

18       5. "Excavate" means to dig, compress or remove earth, rock or  
19 other materials in or on the ground by use of mechanized equipment  
20 or blasting, including, but not necessarily limited to, augering,  
21 boring, backfilling, drilling, grading, pile driving, plowing in,  
22 pulling in, trenching, tunneling and plowing; provided, however,  
23 that neither:

- a. the moving of earth by tools manipulated only by human or animal power, except in a private or public easement or right-of-way,
- b. the moving of earth by tools manipulated only by human power for burying communication lines of a communications provider in a private or public easement or right-of-way when depth is not greater than twelve (12) inches and within twelve (12) inches of a communications provider terminal,
- c. any form of cultivation for agricultural purposes, nor any augering, dozing by noncommercial dozer operators or digging for postholes, farm ponds, land clearing or other normal agricultural purposes,
- d. routine maintenance,
- e. work by a public agency or its contractors on a preengineered project,
- f. work on a certified project,
- g. work on a permitted project,
- h. the opening of a grave in a cemetery,
- i. a solid waste disposal site which is a preengineered project, ~~nor~~
- j. any individual excavating on his or her own property and who is not in the excavating business for hire,

1                   except in a private or public easement or right-of-  
2                   way, nor

3                   k. any grading or maintenance of county roads that does  
4                   not change either the existing road grade or ditch  
5                   flow line,

6 shall be deemed excavation.

7         6. "Excavation" means the act or operation of excavating;

8         7. "Excavator" means a person or public agency that intends to  
9 excavate or demolish within this state;

10        8. "Notification center" means the statewide center currently  
11 known as the Oklahoma One-Call System, Inc., which has as one of its  
12 purposes to receive notification of planned excavation and  
13 demolition in a specified area from excavators, and to disseminate  
14 such notification of planned excavation or demolition to operators  
15 who are members and participants;

16        9. "Operator" shall mean and include any person or public  
17 agency owning or operating underground facilities;

18        10. "Permitted project" means a project where a permit for the  
19 work to be performed must be issued by a state or federal agency  
20 and, as a prerequisite to receiving such permit, the applicant must  
21 locate all underground facilities in the area of the work and in the  
22 vicinity of any blasting and notify each owner of such underground  
23 facilities;

1       11. "Person" includes any individual, partnership, corporation,  
2 association, cooperative, trust or other entity, including a person  
3 engaged as a contractor by a public agency, but not including a  
4 public agency;

5       12. "Preengineered project" means a public project wherein the  
6 public agency responsible for such project, as part of its  
7 engineering and contract procedures, holds a meeting prior to the  
8 commencement of any construction work on such project in which all  
9 persons, determined by the public agency, in consultation with the  
10 statewide one-call notification center, to have underground  
11 facilities located within the construction area of the project are  
12 invited to attend and given an opportunity to verify or inform the  
13 public agency of the location of their underground facilities, if  
14 any, within the construction area and where the location of all  
15 known underground facilities are duly located or noted on the  
16 engineering drawing and specifications for the project;

17       13. "Public agency" means the state, or any board, commission,  
18 or agency of the state;

19       14. "Routine maintenance" means the grading of roads and barrow  
20 or drainage ditches, the removal and replacement of pavement,  
21 including excavation relating thereto and the installation and  
22 maintenance of drainage and bridge facilities, signs, guardrails,  
23 and electrical and communications facilities in or on the public  
24 rights-of-way by a public agency;

1       15. "Underground facility" means any underground line, cable,  
2 facility, system and appurtenances thereto, for producing, storing,  
3 conveying, transmitting or distributing communication (including  
4 voice, video, or data information), electricity, power, light, heat,  
5 intrastate and interstate gas pipelines, as described in 49 CFR Part  
6 192.1, intrastate and interstate hazardous liquid or carbon dioxide  
7 pipelines, as described in 49 CFR Part 195.1, water (including storm  
8 water), steam, sewage and other commodities and any oil and gas  
9 pipeline located in a private or public easement or right-of-way;

10       16. "Design" or "survey" means a notice to facility operators  
11 to provide underground facility information during the design or  
12 engineering phase of a project to mitigate potential impact to  
13 existing underground facilities;

14       17. "Watch and protect" means an operator or its designated  
15 representative is present to observe an excavation within ten (10)  
16 feet of the operator's marking of its existing underground facility;

17       18. "Pre-excavation meeting request" means a notice to  
18 underground facility operators to participate in scheduled meetings  
19 for the purpose of planning large projects and coordinate resources  
20 accordingly; and

21       19. "Large projects" are those excavation projects that involve  
22 one of the following:

- 23           a. exceeds distances defined in paragraph 5 of subsection  
24                   D of Section 142.6 of this title, or

1                   b.     estimated duration is more than ninety (90) days.

2       SECTION 2. This act shall become effective November 1, 2025.

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4 COMMITTEE REPORT BY: COMMITTEE ON ENERGY AND NATURAL RESOURCES  
OVERSIGHT, dated 02/26/2025 - DO PASS, As Amended and Coauthored.

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