

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE HOUSE BILL 2223

Chapter 96, Laws of 2012

62nd Legislature
2012 Regular Session

UNDERGROUND UTILITY DAMAGE PREVENTION--EFFECTIVE DATES

EFFECTIVE DATE: 06/07/12

Passed by the House February 8, 2012
Yeas 97 Nays 0

FRANK CHOPP

Speaker of the House of Representatives

Passed by the Senate February 29, 2012
Yeas 49 Nays 0

BRAD OWEN

President of the Senate

Approved March 29, 2012, 1:21 p.m.

CHRISTINE GREGOIRE

Governor of the State of Washington

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE HOUSE BILL 2223** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BARBARA BAKER

Chief Clerk

FILED

March 29, 2012

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE HOUSE BILL 2223

Passed Legislature - 2012 Regular Session

State of Washington

62nd Legislature

2012 Regular Session

By House Technology, Energy & Communications (originally sponsored by Representatives Takko, Morris, Armstrong, and Angel; by request of Utilities & Transportation Commission)

READ FIRST TIME 01/17/12.

1 AN ACT Relating to modifying the effective date of RCW 19.122.130
2 from 2011's underground utility damage prevention act; amending RCW
3 19.122.130; and amending 2011 c 263 s 27 (uncodified).

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 19.122.130 and 2011 c 263 s 18 are each amended to
6 read as follows:

7 (1) By January 1, 2013, the commission must contract with a
8 statewide, nonprofit entity whose purpose is to reduce damages to
9 underground and above ground facilities, promote safe excavation
10 practices, and review complaints of alleged violations of this chapter.
11 The contract must not obligate funding by the commission for activities
12 performed by the nonprofit entity or the safety committee under this
13 section, and is therefore exempt under RCW 39.29.040(1) from the
14 requirements of chapter 39.29 RCW.

15 (2) By January 1, 2013, the contracting entity must create a safety
16 committee to:

17 (a) Advise the commission and other state agencies, the
18 legislature, and local governments on best practices and training to

1 prevent damage to underground utilities, and policies to enhance worker
2 and public safety; and

3 (b) Review complaints alleging violations of this chapter involving
4 practices related to underground facilities.

5 (3)(a) The safety committee will consist of thirteen members, who
6 must be nominated by represented groups and appointed by the
7 contracting entity to staggered three-year terms. By January 1, 2013,
8 the safety committee must include representatives of:

- 9 ((+a)) (i) Local governments;
- 10 ((+b)) (ii) A natural gas utility subject to regulation under
11 Titles 80 and 81 RCW;
- 12 ((+c)) (iii) Contractors;
- 13 ((+d)) (iv) Excavators;
- 14 ((+e)) (v) An electric utility subject to regulation under Title
15 80 RCW;
- 16 ((+f)) (vi) A consumer-owned utility, as defined in RCW
17 19.27A.140;
- 18 ((+g)) (vii) A pipeline company;
- 19 ((+h)) (viii) The insurance industry;
- 20 ((+i)) (ix) The commission; and
- 21 ((+j)) (x) A telecommunications company.

22 (b) By January 1, 2013, the safety committee may pass bylaws and
23 provide for those organizational processes that are necessary to
24 complete the safety committee's tasks.

25 (4) The safety committee must meet at least once every three
26 months.

27 (5) After January 1, 2013, the safety committee may review
28 complaints of alleged violations of this chapter involving practices
29 related to underground facilities. Any person may bring a complaint to
30 the safety committee regarding an alleged violation occurring on or
31 after January 1, 2013.

32 (6) To review complaints of alleged violations, the safety
33 committee must appoint at least three and not more than five members as
34 a review committee. The review committee must include the same number
35 of members representing excavators and facility operators. One member
36 representing facility operators must also be a representative of a
37 pipeline company or a natural gas utility subject to regulation under

1 Titles 80 and 81 RCW. The review committee must also include a member
2 representing the insurance industry.

3 (7) Before reviewing a complaint alleging a violation of this
4 chapter, the review committee must notify the person making the
5 complaint and the alleged violator of its review and of the opportunity
6 to participate.

7 (8) After January 1, 2013, the safety committee may provide written
8 notification to the commission, with supporting documentation, that a
9 person has likely committed a violation of this chapter, and recommend
10 remedial action that may include a penalty amount, training, or
11 education to improve public safety, or some combination thereof.

12 (9) This section expires December 31, 2020.

13 **Sec. 2.** 2011 c 263 s 27 (uncodified) is amended to read as
14 follows:

15 Except for section 18 of this act (chapter 263, Laws of 2011), this
16 act takes effect January 1, 2013.

Passed by the House February 8, 2012.

Passed by the Senate February 29, 2012.

Approved by the Governor March 29, 2012.

Filed in Office of Secretary of State March 29, 2012.