

FOR the purpose of requiring that the owners of certain underground facilities be members of certain communication systems, make a certain determination within a certain time after receipt of a notice from a contractor, notify a contractor within a certain time if certain underground facilities will be disturbed or damaged, use a certain color code when marking the location of an underground facility, remark the location of certain underground facilities within a certain time, excavate in a timely manner if a certain election is made, and advise a contractor within a certain time that certain marking is unnecessary; providing for certification of certain communication systems by the Public Service Commission; altering certain requirements for determining if certain underground facilities will be disturbed or damaged; requiring that contractors intending to perform certain excavation notify certain persons not more than a certain time before starting, give repeat notification under certain circumstances, and notify the owner of an underground facility under certain circumstances; specifying the responsibility for maintenance of certain marked underground facilities; providing for the construction of certain provisions of this Act; providing for ~~certain penalties~~; a change in a certain measurement after a certain time except under certain conditions; authorizing local governments to assess certain fees; providing for a delayed effective date; defining and redefining certain terms; making stylistic changes; and generally relating to the protection of underground facilities.

BY repealing and reenacting, with amendments,  
 Article 78 – Public Service Commission Law  
 Section 28A  
 Annotated Code of Maryland  
 (1988 Replacement Volume and 1989 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

**Article 78 – Public Service Commission Law**

28A.

(a) It is the intent of the legislature to protect underground facilities of public service companies from destruction, damage or dislocation in order to prevent:

- (1) Death or injury to persons.
- (2) Property damage to private and public property.
- (3) Loss of services of public service companies to the general public.

(b) As used in this subtitle:

(1) (I) “CONTRACTOR” MEANS A PERSON WHO PERFORMS EXCAVATION OR DEMOLITION WORK.

(II) “CONTRACTOR” INCLUDES A PERSON WHO PERFORMS WORK UNDER A CONTRACT OR SUBCONTRACT.