

VETOES

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.

[(1)] (2) “Excavation” means any operation in which earth, rock or other material in or on the ground is moved, removed or otherwise displaced by means of any tools, equipment or explosives and includes, without limitation, grading, trenching, digging, ditching, drilling, augering, tunnelling, scraping, cable or pipe plowing and driving, DEMOLITION, wrecking, razing, rending, moving or removing any structure or mass of material.

(3) “ONE-CALL SYSTEM” MEANS A COMMUNICATIONS NETWORK IN THE STATE THAT ALLOWS A PERSON TO CALL THE TELEPHONE NUMBER OF A ONE-NUMBER UTILITY PROTECTION SYSTEM.

(4) “OWNER” MEANS A PUBLIC UTILITY, TELECOMMUNICATIONS OR CABLE TELEVISION CORPORATION, POLITICAL SUBDIVISION, MUNICIPALITY, AUTHORITY, OR OTHER PERSON THAT:

(I) OWNS OR OPERATES AN UNDERGROUND FACILITY;
AND

(II) HAS THE RIGHT TO BURY AN UNDERGROUND FACILITY.

[(2)] (5) “Person” means any individual, firm, joint venture, partnership, corporation, association, municipality, governmental unit, department or agency and shall include any trustee, receiver, assignee or personal representative thereof, provided, however, that nothing in this section shall apply to any excavation done by the