

(C) IF AN UNDERGROUND FACILITY IS DAMAGED BY A PERSON WHO IS IN COMPLIANCE WITH THIS SUBTITLE AND THE OWNER HAS FAILED TO BECOME AN OWNER-MEMBER IN ACCORDANCE WITH § 12-109 (B) OF THIS SUBTITLE:

(1) THE PERSON IS NOT LIABLE TO THE OWNER FOR THE COST OF REPAIR OF THE UNDERGROUND FACILITY; AND

(2) THE OWNER IS LIABLE FOR ANY REPAIRS OR RESTORATION OF PROPERTY DAMAGED BY THE EXCAVATION OR DEMOLITION.

(D) SUBSECTION (C) OF THIS SECTION MAY NOT BE CONSTRUED TO INTERFERE WITH THE RIGHT OF:

(1) A THIRD PARTY TO RECOVER DAMAGES ARISING OUT OF THE EXCAVATION OR DEMOLITION FROM THE PERSON OR FROM THE OWNER; OR

(2) THE PERSON TO SEEK CONTRIBUTION FROM AN OWNER FOR DAMAGES SOUGHT BY A THIRD PARTY UNDER PARAGRAPH (1) OF THIS SUBSECTION. 12-109.

(a) Each owner shall file notice with and submit to the Commission in writing the telephone number of the person in each county to which calls concerning proposed excavations or demolitions are to be directed.

(b) Each owner shall be a member of a one-call system that has filed a telephone number with the Commission on behalf of all owner-members.

(c) Excluding Saturdays, Sundays, and legal holidays, within 48 hours after receiving notice from a person under § 12-108 of this subtitle, an owner shall determine if a proposed excavation or demolition:

(1) is within 5 feet of the horizontal plane of an underground facility; or

(2) because of planned blasting, is in such proximity to an underground facility that the underground facility may be damaged or disturbed.

(d) Excluding Saturdays, Sundays, and legal holidays, within 48 hours after receiving the person's notice under § 12-108 of this subtitle, an owner that determines under subsection (c) of this section that an underground facility may be damaged or disturbed shall notify the person of the determination.

(e) An owner that elects to perform a proposed excavation or demolition shall perform the excavation or demolition around the underground facility in a timely manner.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed only prospectively and may not be applied or interpreted to have any effect on or application to any cause of action for damages to an underground facility arising before the effective date of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~October~~ June 1, 2001.