

HOUSE BILL 696

C5

6lr1291
CF SB 480

By: **Delegates Davis, Barkley, Impallaria, Jameson, W. Miller, and C. Wilson**

Introduced and read first time: February 5, 2016

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Public Utilities – Maryland Underground Facilities Damage Prevention**
3 **Authority – Funding**

4 FOR the purpose of authorizing the Maryland Underground Facilities Damage Prevention
5 Authority to collect an assessment or a charge not exceeding a certain amount per
6 ticket under certain circumstances; specifying the circumstances under which the
7 Authority may collect an assessment or a charge; providing for an exception to a
8 certain limitation regarding sources of operational funding for the Authority; and
9 generally relating to the Maryland Underground Facilities Damage Prevention
10 Authority.

11 BY repealing and reenacting, without amendments,
12 Article – Public Utilities
13 Section 12–101(a), (b), (i), (j), (k), and (m)
14 Annotated Code of Maryland
15 (2010 Replacement Volume and 2015 Supplement)

16 BY repealing and reenacting, with amendments,
17 Article – Public Utilities
18 Section 12–111
19 Annotated Code of Maryland
20 (2010 Replacement Volume and 2015 Supplement)

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

23 **Article – Public Utilities**

24 12–101.

25 (a) In this subtitle the following words have the meanings indicated.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (b) "Authority" means the Maryland Underground Facilities Damage Prevention
2 Authority.

3 (i) "One-call system" means a communications system in the State that:

4 (1) allows a person to notify owner-members of planned excavation or
5 demolition by:

6 (i) calling a toll-free number or abbreviated dialing code; or

7 (ii) initiating an interactive Internet ticket request; and

8 (2) maintains an underground facilities information exchange system.

9 (j) (1) "Owner" means a person that:

10 (i) owns or operates an underground facility; and

11 (ii) has the right to bury an underground facility.

12 (2) "Owner" includes:

13 (i) a public utility;

14 (ii) a telecommunications corporation;

15 (iii) a cable television corporation;

16 (iv) a political subdivision;

17 (v) a municipal corporation;

18 (vi) a steam heating company;

19 (vii) an authority; and

20 (viii) a unit of the State.

21 (k) "Owner-member" means an owner that participates as a member in a
22 one-call system.

23 (m) "Ticket" means a numbered document issued by a one-call system to notify
24 owner-members that:

25 (1) a person intends to perform an excavation or demolition; or

1 (2) a designer has requested information on the location of underground
2 facilities under § 12–131 of this subtitle.

3 12–111.

4 (a) The Authority may obtain funding for its operational expenses from:

5 (1) a federal or State grant;

6 (2) filing fees and administrative fees for complaints heard by the
7 Authority as authorized under § 12–112(b)(1) of this subtitle; [and]

8 (3) **AN ADDITIONAL ASSESSMENT OR CHARGE PER TICKET AS**
9 **AUTHORIZED UNDER SUBSECTION (B) OF THIS SECTION; AND**

10 (4) any other source.

11 (b) **THE AUTHORITY MAY COLLECT AN ASSESSMENT OR A CHARGE NOT**
12 **EXCEEDING 5 CENTS PER TICKET FROM AN OWNER–MEMBER IF THE ASSESSMENT**
13 **OR CHARGE:**

14 (1) **IS NOT IMPOSED ON A COUNTY OR A MUNICIPAL CORPORATION;**
15 **AND**

16 (2) **IS APPROVED BY A TWO–THIRDS VOTE OF ALL MEMBERS OF THE**
17 **AUTHORITY.**

18 (c) Except as provided in [subsection] **SUBSECTIONS (a)(2) AND (B)** of this
19 section, the Authority may not impose a charge or assessment against any person, directly
20 or indirectly, to obtain funding for its operational expenses.

21 **SECTION 2. AND BE IT FURTHER ENACTED,** That this Act shall take effect June
22 1, 2016.