

Sixty-seventh  
Legislative Assembly  
of North Dakota

## ENGROSSED HOUSE BILL NO. 1059

Introduced by

Energy and Natural Resources Committee

(At the request of the Public Service Commission)

1 A BILL for an Act to amend and reenact subsection 1 of section 49-23-06 of the North Dakota  
2 Century Code, relating to requiring an excavator to call 911 upon damage to a facility that  
3 releases any flammable toxic or corrosive gas.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1. AMENDMENT.** Subsection 1 of section 49-23-06 of the North Dakota Century  
6 Code is amended and reenacted as follows:

7 1. a. If any damage occurs to an underground facility or its protective covering, the  
8 excavator shall notify the operator as soon as reasonably possible. When the  
9 operator receives a damage notice, the operator shall dispatch, as soon as  
10 reasonably possible, personnel to the damage area to investigate. If the damage  
11 results in the escape of flammable, toxic, or corrosive gas or liquid, the excavator  
12 shall:

13 (1) Call 911 immediately; and

14 (2) Notify the pipeline operator immediately; and

15 ~~(3) Notify the state unified spill reporting system within 24 hours.~~

16 b. If the damage endangers life, health, or property, the excavator responsible for  
17 the work shall take immediate action to protect the public and property and to  
18 minimize the hazard until arrival of the operator's personnel or until emergency  
19 responders have arrived and taken charge of the damaged area.

20 ~~b-c.~~ An excavator shall delay backfilling in the immediate area of the damaged  
21 underground facilities until the damage has been investigated by the operator,  
22 unless the operator authorizes otherwise. The repair of damage must be  
23 performed by the operator or by qualified personnel authorized by the operator.

- 1            ~~e.d.~~ An excavator is guilty of a class A misdemeanor if the excavator damages an  
2                            underground facility or its protective covering and knew or reasonably should  
3                            have known the damage occurred and:
- 4                            (1) The excavator does not notify the operator as soon as reasonably possible;  
5                            or  
6                            (2) The excavator backfills in violation of subdivision ~~b.c.~~