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ENGROSSED SUBSTITUTE HOUSE BILL 2223

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State of Washington

62nd Legislature

2012 Regular Session

**By** House Technology, Energy & Communications (originally sponsored by Representatives Takko, Morris, Armstrong, and Angel; by request of Utilities & Transportation Commission)

READ FIRST TIME 01/17/12.

1 AN ACT Relating to modifying the effective date of RCW 19.122.130  
2 from 2011's underground utility damage prevention act; amending RCW  
3 19.122.130; and amending 2011 c 263 s 27 (uncodified).

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 19.122.130 and 2011 c 263 s 18 are each amended to  
6 read as follows:

7 (1) By January 1, 2013, the commission must contract with a  
8 statewide, nonprofit entity whose purpose is to reduce damages to  
9 underground and above ground facilities, promote safe excavation  
10 practices, and review complaints of alleged violations of this chapter.  
11 The contract must not obligate funding by the commission for activities  
12 performed by the nonprofit entity or the safety committee under this  
13 section, and is therefore exempt under RCW 39.29.040(1) from the  
14 requirements of chapter 39.29 RCW.

15 (2) By January 1, 2013, the contracting entity must create a safety  
16 committee to:

17 (a) Advise the commission and other state agencies, the  
18 legislature, and local governments on best practices and training to

1 prevent damage to underground utilities, and policies to enhance worker  
2 and public safety; and

3 (b) Review complaints alleging violations of this chapter involving  
4 practices related to underground facilities.

5 (3)(a) The safety committee will consist of thirteen members, who  
6 must be nominated by represented groups and appointed by the  
7 contracting entity to staggered three-year terms. By January 1, 2013,  
8 the safety committee must include representatives of:

- 9 ((+a)) (i) Local governments;
- 10 ((+b)) (ii) A natural gas utility subject to regulation under  
11 Titles 80 and 81 RCW;
- 12 ((+c)) (iii) Contractors;
- 13 ((+d)) (iv) Excavators;
- 14 ((+e)) (v) An electric utility subject to regulation under Title  
15 80 RCW;
- 16 ((+f)) (vi) A consumer-owned utility, as defined in RCW  
17 19.27A.140;
- 18 ((+g)) (vii) A pipeline company;
- 19 ((+h)) (viii) The insurance industry;
- 20 ((+i)) (ix) The commission; and
- 21 ((+j)) (x) A telecommunications company.

22 (b) By January 1, 2013, the safety committee may pass bylaws and  
23 provide for those organizational processes that are necessary to  
24 complete the safety committee's tasks.

25 (4) The safety committee must meet at least once every three  
26 months.

27 (5) After January 1, 2013, the safety committee may review  
28 complaints of alleged violations of this chapter involving practices  
29 related to underground facilities. Any person may bring a complaint to  
30 the safety committee regarding an alleged violation occurring on or  
31 after January 1, 2013.

32 (6) To review complaints of alleged violations, the safety  
33 committee must appoint at least three and not more than five members as  
34 a review committee. The review committee must include the same number  
35 of members representing excavators and facility operators. One member  
36 representing facility operators must also be a representative of a  
37 pipeline company or a natural gas utility subject to regulation under

1 Titles 80 and 81 RCW. The review committee must also include a member  
2 representing the insurance industry.

3 (7) Before reviewing a complaint alleging a violation of this  
4 chapter, the review committee must notify the person making the  
5 complaint and the alleged violator of its review and of the opportunity  
6 to participate.

7 (8) After January 1, 2013, the safety committee may provide written  
8 notification to the commission, with supporting documentation, that a  
9 person has likely committed a violation of this chapter, and recommend  
10 remedial action that may include a penalty amount, training, or  
11 education to improve public safety, or some combination thereof.

12 (9) This section expires December 31, 2020.

13 **Sec. 2.** 2011 c 263 s 27 (uncodified) is amended to read as  
14 follows:

15 Except for section 18 of this act (chapter 263, Laws of 2011), this  
16 act takes effect January 1, 2013.

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