

**As Introduced**

**130th General Assembly  
Regular Session  
2013-2014**

**S. B. No. 378**

**Senator Coley**

**Cosponsor: Senator Peterson**

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**A B I L L**

To amend section 3781.25 and to enact sections 1  
3781.34, 3781.341, 3781.342, 3781.36, 4905.041, 2  
4913.01, 4913.03, 4913.05, 4913.07, 4913.09, 3  
4913.13, 4913.15, 4913.151, 4913.152, 4913.16, 4  
4913.17, 4913.171, 4913.19, 4913.21, 4913.22, 5  
4913.23, 4913.25, 4913.27, 4913.29, 4913.31, 6  
4913.45, 4913.47, 4913.50, and 4913.52 of the 7  
Revised Code regarding the enforcement of the law 8  
governing the protection of underground utility 9  
facilities. 10

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That section 3781.25 be amended and sections 11  
3781.34, 3781.341, 3781.342, 3781.36, 4905.041, 4913.01, 4913.03, 12  
4913.05, 4913.07, 4913.09, 4913.13, 4913.15, 4913.151, 4913.152, 13  
4913.16, 4913.17, 4913.171, 4913.19, 4913.21, 4913.22, 4913.23, 14  
4913.25, 4913.27, 4913.29, 4913.31, 4913.45, 4913.47, 4913.50, and 15  
4913.52 of the Revised Code be enacted to read as follows: 16

**Sec. 3781.25.** As used in sections 3781.25 to ~~3781.32~~ 3781.36 17  
of the Revised Code: 18

(A) "Protection service" means a notification center, but not 19

an owner of an individual utility, that exists for the purpose of receiving notice from persons that prepare plans and specifications for or that engage in excavation work, that distributes this information to its members and participants, and that has registered by March 14, 1989, with the secretary of state and the public utilities commission of Ohio under former division (F) of section 153.64 of the Revised Code as it existed on that date.

(B) "Underground utility facility" includes any item buried or placed below ground or submerged under water for use in connection with the storage or conveyance of water or sewage; electronic, telephonic, or telegraphic communications; television signals; electricity; crude oil; petroleum products; artificial or liquefied petroleum; manufactured, mixed, or natural gas; synthetic or liquefied natural gas; propane gas; coal; steam; hot water; or other substances. "Underground utility facility" includes all operational underground pipes, sewers, tubing, conduits, cables, valves, lines, wires, worker access holes, and attachments, owned by any person, firm, or company. "Underground utility facility" does not include a private septic system in a one-family or multi-family dwelling utilized only for that dwelling and not connected to any other system.

(C) "Utility" means any owner or operator, or an agent of an owner or operator, of an underground utility facility, including any public authority, that owns or operates an underground utility facility. "Utility" does not include the owners of the following types of real property with respect to any underground utility facility located on that property:

(1) The owner of a single-family or two-, three-, or four-unit residential dwelling;

(2) The owner of an apartment complex;

(3) The owner of a commercial or industrial building or complex of buildings, including but not limited to, factories and shopping centers;

(4) The owner of a farm;

(5) The owner of an exempt domestic well as defined in section 1509.01 of the Revised Code.

(D) "Approximate location" means the immediate area within the perimeter of a proposed excavation site where the underground utility facilities are located.

(E) "Tolerance zone" means the site of the underground utility facility including the width of the underground utility facility plus eighteen inches on each side of the facility.

(F) "Working days" excludes Saturdays, Sundays, and legal holidays as defined in section 1.14 of the Revised Code and "hours" excludes hours on Saturdays, Sundays, and legal holidays.

(G) "Designer" means an engineer, architect, landscape architect, contractor, surveyor, or other person who develops plans or designs for real property improvement or any other activity that will involve excavation.

(H) "Developer" means the person for whom the excavation is made and who will own or be the lessee of any improvement that is the object of the excavation.

(I) "Excavation" means the use of hand tools, powered equipment, or explosives to move earth, rock, or other materials in order to penetrate or bore or drill into the earth, or to demolish any structure whether or not it is intended that the demolition will disturb the earth. "Excavation" includes such agricultural operations as the installation of drain tile, but excludes agricultural operations such as tilling that do not penetrate the earth to a depth of more than twelve inches.

"Excavation" excludes any activity by a governmental entity which 81  
does not penetrate the earth to a depth of more than twelve 82  
inches. "Excavation" excludes coal mining and reclamation 83  
operations regulated under Chapter 1513. of the Revised Code and 84  
rules adopted under it. 85

(J) "Excavation site" means the area within which excavation 86  
will be performed. 87

(K) "Excavator" means the person or persons responsible for 88  
making the actual excavation. 89

(L) "Interstate gas pipeline" means an interstate gas 90  
pipeline subject to the "Natural Gas Pipeline Safety Act of 1968," 91  
82 Stat. 720, 49 U.S.C. 1671, as amended. 92

(M) "Interstate hazardous liquids pipeline" means an 93  
interstate hazardous liquids pipeline subject to the "Hazardous 94  
Liquid Pipeline Safety Act of 1979," 93 Stat. 1003, 49 U.S.C. 95  
2002, as amended. 96

(N) "Special notification requirements" means requirements 97  
for notice to an owner of an interstate hazardous liquids pipeline 98  
or an interstate gas pipeline that must be made prior to 99  
commencing excavation and pursuant to the owner's public safety 100  
program adopted under federal law. 101

(O) "Commercial excavator" means any excavator, excluding a 102  
utility as defined in this section, that satisfies both of the 103  
following: 104

(1) For compensation, performs, directs, supervises, or is 105  
responsible for the excavation, construction, improvement, 106  
renovation, repair, or maintenance on a construction project and 107  
holds out or represents oneself as qualified or permitted to act 108  
as such; 109

(2) Employs tradespersons who actually perform excavation, 110

construction, improvement, renovation, repair, or maintenance on a 111  
construction project. 112

(P) "Person" has the same meaning as in section 1.59 of the 113  
Revised Code and also includes a public authority. 114

(Q) "Positive response system" means an automated system 115  
facilitated by a protection service allowing a utility to 116  
communicate to an excavator the presence or absence of any 117  
conflict between the existing underground utility facilities and 118  
the proposed excavation site. 119

(R) "One-call notification system" means the software or 120  
communications system used by a protection system to notify its 121  
membership of proposed excavation sites. 122

(S) "Project" means any undertaking by a private party of an 123  
improvement requiring excavation. 124

(T) "Public authority" has the same meaning as in section 125  
153.64 of the Revised Code. 126

(U) "Improvement" means any construction, reconstruction, 127  
improvement, enlargement, alteration, or repair of a building, 128  
highway, drainage system, water system, road, street, alley, 129  
sewer, ditch, sewage disposal plant, water works, and all other 130  
structures or works of any nature. 131

(V) "Emergency" means an unexpected occurrence causing a 132  
disruption or damage to an underground utility facility that 133  
requires immediate repair or a situation that creates a clear and 134  
imminent danger that demands immediate action to prevent or 135  
mitigate loss of or damage to life, health, property, or essential 136  
public services. 137

(W) "Nondestructive manner" means using low-impact, low-risk 138  
technologies such as hand tools, or hydro or air vacuum excavation 139  
equipment. 140

(X) "Cable service provider" has the same meaning as in 141  
section 1332.01 of the Revised Code. 142

(Y) "Electric cooperative" and "electric utility" have the 143  
same meanings as in section 4928.01 of the Revised Code. 144

**Sec. 3781.34.** (A) There is hereby created the underground 145  
technical committee. 146

(B) The committee shall consist of four members from the 147  
stakeholder group of the commercial excavator industry and one 148  
member from each of the following stakeholder groups, with all 149  
seventeen members to be appointed by the governor with the consent 150  
of the senate: 151

(1) The natural gas transmission pipeline industry; 152

(2) The natural gas distribution industry; 153

(3) Electric utilities; 154

(4) Electric cooperatives; 155

(5) Oil and gas producers; 156

(6) The telephone industry; 157

(7) Cable service providers; 158

(8) Locators of underground utility facilities; 159

(9) Municipal corporations; 160

(10) The department of transportation; 161

(11) The general public; 162

(12) The hazardous liquids pipeline industry; 163

(13) Designers, developers, or surveyors. 164

(C) The governor shall appoint an alternate member for each 165  
member listed under division (B) of this section. 166

(D) The terms of office for members initially appointed under 167

division (B) of this section shall be staggered at two, three, and 168  
four years and determined by lot, except that the stakeholder 169  
group of the commercial excavator industry shall have only one 170  
member with an initial two-year term. The term of office for each 171  
member subsequently appointed shall be four years. 172

(E) Each member and each alternate member may be reappointed 173  
for an unlimited number of times. 174

(F) If a vacancy occurs during a member's term of office, the 175  
alternate member appointed for that member shall assume the 176  
vacated office and serve the rest of the term. If a vacancy occurs 177  
during the term of office of an alternate member, the governor 178  
shall appoint a new alternate member in the same manner as an 179  
original appointment. 180

**Sec. 3781.341.** (A) A member of the underground technical 181  
committee who has a conflict of interest in a particular review 182  
under section 4913.15 of the Revised Code shall declare the 183  
conflict to the committee and recuse self from committee 184  
discussions and voting regarding that review. 185

(B) An alternate member shall serve temporarily in the place 186  
of the member for whom the alternate member was appointed if the 187  
nonalternate member is a party to a review being conducted by the 188  
committee under section 4913.15 of the Revised Code or if the 189  
member has recused self under this section. 190

**Sec. 3781.342.** The underground technical committee may 191  
conduct meetings in person, by telephone, or by video conference. 192

**Sec. 3781.36.** (A) The underground technical committee shall 193  
do the following: 194

(1) Coordinate with the public utilities commission in 195  
carrying out its duties under Chapter 4913. of the Revised Code; 196

<u>(2) Provide subject matter expertise when requested during inquiries conducted under section 4913.09 of the Revised Code;</u>	197
<u>(3) Review reports in accordance with section 4913.15 of the Revised Code;</u>	198
<u>(4) Make recommendations under section 4913.15 of the Revised Code;</u>	199
<u>(5) Coordinate with the commission in establishing rules under divisions (A)(1) and (2) of section 4913.45 of the Revised Code;</u>	200
<u>(6) Perform any additional duties as may be required under this chapter.</u>	201
<u>(B) The committee shall meet as necessary to carry out its duties and meet the time-period requirements of division (B) of section 4913.15 of the Revised Code, but not less than once every three months. A majority of committee members constitutes a quorum.</u>	202
<u>Sec. 4905.041. (A) The public utilities commission has exclusive jurisdiction to enforce, in accordance with Chapter 4913. of the Revised Code, sections 153.64, 3781.27, and 3781.28 to 3781.32 of the Revised Code and divisions (A) and (B) of section 3781.26 of the Revised Code.</u>	203
<u>(B) The commission's enforcement authority described in division (A) of this section is limited to actions specifically authorized by Chapter 4913. of the Revised Code upon the filing of a complaint under section 4913.05 of the Revised Code.</u>	204
<u>(C) Nothing in this section or Chapter 4913. of the Revised Code gives the commission or the underground technical committee, created under section 3781.34 of the Revised Code, the authority to determine the civil liability of any person for any compliance failure as that term is defined in section 4913.01 of the Revised</u>	205
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<u>Code.</u>	227
<u>Sec. 4913.01. As used in this chapter:</u>	228
<u>"Compliance failure" means a failure to comply with any</u>	229
<u>provision of sections 153.64, 3781.27, and 3781.28 to 3781.32 of</u>	230
<u>the Revised Code and divisions (A) and (B) of section 3781.26 of</u>	231
<u>the Revised Code.</u>	232
<u>"Designer," "developer," "excavation," "excavator," "one-call</u>	233
<u>notification system," "person," "protection service," "underground</u>	234
<u>utility facility", and "utility" have the same meanings as in</u>	235
<u>section 3781.25 of the Revised Code.</u>	236
<u>Sec. 4913.03. Each utility, excavator, developer, and</u>	237
<u>designer who participates in the one-call notification system</u>	238
<u>shall register with the public utilities commission and pay a</u>	239
<u>safety registration not to exceed fifty dollars annually, which</u>	240
<u>the commission may lower if the commission determines lowering the</u>	241
<u>registration to be necessary. The amounts shall be used to fund</u>	242
<u>the operation of the underground technical committee, created</u>	243
<u>under section 3781.34 of the Revised Code, and the commission in</u>	244
<u>the performance of duties under this chapter. The commission shall</u>	245
<u>administer and oversee the registration process. Failure to</u>	246
<u>register shall result in a fine of not more than two thousand five</u>	247
<u>hundred dollars.</u>	248
<u>Sec. 4913.05. (A) Any person who has been aggrieved as a</u>	249
<u>result of a compliance failure may file a complaint with the</u>	250
<u>public utilities commission to seek punitive action against the</u>	251
<u>person responsible for the alleged compliance failure.</u>	252
<u>(B) A complaint filed under this section shall state, at a</u>	253
<u>minimum and with particularity, the name of the person responsible</u>	254
<u>for the alleged compliance failure, the date of the compliance</u>	255

failure, the nature of the compliance failure, the location of the 256  
compliance failure, and any other information that the complainant 257  
considers relevant. 258

(C) The commission shall, not later than five business days 259  
after receiving a complaint under this section, notify the person 260  
responsible for the alleged compliance failure that the complaint 261  
was filed. 262

Sec. 4913.07. If a complaint is filed under section 4913.05 263  
of the Revised Code, the person responsible for the alleged 264  
compliance failure may, not later than thirty days after receiving 265  
notice under that section, respond to the complaint, providing any 266  
information that the person considers relevant to the complaint. 267  
The response may include an admission of the compliance failure. 268

Sec. 4913.09. (A) The public utilities commission shall 269  
conduct an inquiry upon receiving a complaint made under section 270  
4913.05 of the Revised Code. The inquiry shall be limited to 271  
whether there was a compliance failure. 272

(B) During an inquiry conducted under this section, the 273  
commission shall examine relevant facts regarding the alleged 274  
compliance failure and may request records verification, informal 275  
meetings, teleconferences, photo documentation, and any other 276  
documentation or information relevant to the inquiry. 277

Sec. 4913.13. The public utilities commission shall make a 278  
report of each inquiry conducted under section 4913.09 of the 279  
Revised Code to the underground technical committee, created under 280  
section 3781.34 of the Revised Code. The report shall contain any 281  
admission made under section 4913.07 of the Revised Code by the 282  
person who is the subject of the inquiry. This report shall not 283  
contain a recommendation as to the imposition of a fine or 284  
penalty. 285

Sec. 4913.15. (A) The underground technical committee shall 286  
review every report submitted by the public utilities commission 287  
under sections 4913.13 and 4913.16 of the Revised Code. 288

(B) Not later than ninety days after the committee receives 289  
the commission's report under section 4913.13 of the Revised Code, 290  
the committee shall do either of the following: 291

(1) Make a recommendation to the commission as to the 292  
imposition of a fine, a penalty, or a combination of fines and 293  
penalties, in accordance with section 4913.151 of the Revised 294  
Code; 295

(2) Dismiss the case and notify the commission of the 296  
dismissal. 297

(C) There shall be a majority vote of the full committee, 298  
with at least one of the commercial-excavator stakeholders voting 299  
with the majority, for the committee to do either of the 300  
following: 301

(1) Recommend a fine, penalty, or a combination of fines and 302  
penalties under this section or section 4913.16 of the Revised 303  
Code; 304

(2) Dismiss a case under this section or section 4913.16 of 305  
the Revised Code. 306

If the committee fails to achieve the required majority for 307  
any action described in divisions (C)(1) and (2) of this section, 308  
it shall notify the commission. 309

Sec. 4913.151. (A) In determining a fine or penalty 310  
recommendation as required under section 4913.15 or 4913.16 of the 311  
Revised Code, the underground technical committee shall consider 312  
the following, as applicable: 313

(1) The person's demonstrated history of one-call, design, 314

<u>and excavation practices, including the following:</u>	315
<u>(a) The number of locate requests received and responded to;</u>	316
<u>(b) The number of locates completed;</u>	317
<u>(c) The number of one calls placed;</u>	318
<u>(d) The number of excavations completed;</u>	319
<u>(e) The number of design or development projects.</u>	320
<u>(2) The nature, circumstances, and gravity of the compliance failure, including the amount of damage involved in relation to the compliance failure, and whether it resulted in death, serious injury, dismemberment, or a significant threat to public safety;</u>	321
<u>(3) The organizational size of the responsible person;</u>	322
<u>(4) The prospective effect of a fine on the person's ability to pay business obligations and otherwise conduct business;</u>	323
<u>(5) The history or number of compliance failures by the person;</u>	324
<u>(6) The good faith effort on the person's part in attempting to achieve compliance after the compliance failure was identified.</u>	325
<u>(B)(1) If the compliance failure is the first for the person responsible, the committee may recommend a penalty of a training requirement, an education requirement, or another penalty, or may recommend a fine not exceeding two thousand five hundred dollars, or may recommend a combination of this fine and these penalties.</u>	326
<u>(2) If the compliance failure is a subsequent compliance failure for the person responsible, the committee may recommend a penalty of a training requirement, an education requirement, or another penalty, or may recommend a fine not exceeding five thousand dollars, or may recommend a combination of this fine and these penalties.</u>	327
<u>Any penalty recommended under this division shall be</u>	328
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appropriately related to enforcement of the provisions enumerated 344  
in division (A) of section 4905.041 of the Revised Code. 345

Sec. 4913.152. The underground technical committee may 346  
communicate with responsible persons as part of the committee's 347  
review under section 4913.15 of the Revised Code and to assist the 348  
committee in making recommendations under that section and section 349  
4913.16 of the Revised Code. 350

Sec. 4913.16. (A) If the underground technical committee 351  
fails to make a recommendation during the ninety-day time period 352  
required under division (B) of section 4913.15 of the Revised 353  
Code, and the committee has not dismissed the case, the public 354  
utilities commission shall make a recommendation as to a fine or 355  
penalty. The commission shall amend the initial report made under 356  
section 4913.13 of the Revised Code to add the recommendation, and 357  
shall submit the amended report to the committee. 358

(B) Not later than thirty days after the committee receives 359  
the amended report, the committee shall do either of the 360  
following: 361

(1) Make a recommendation to the commission as to the 362  
imposition of a fine, penalty, or a combination of fines and 363  
penalties in accordance with division (C) of section 4913.15 and 364  
section 4913.151 of the Revised Code; 365

(2) Dismiss the case and notify the commission of the 366  
dismissal. 367

(C) If the committee fails to make a recommendation during 368  
the thirty-day time period required under division (B) of this 369  
section, and the committee has not dismissed the case under that 370  
division, the commission shall, at its sole discretion, impose a 371  
fine or penalty consistent with section 4913.151 of the Revised 372  
Code. 373

Sec. 4913.17. (A) Based upon the number and type of 374  
compliance failures committed by a person, the underground 375  
technical committee may find, as part of the committee's review 376  
under section 4913.15 of the Revised Code, that the person is a 377  
persistent noncomplier. 378

(B) The committee shall report a finding made under division 379  
(A) of this section to the public utilities commission. 380

(C) There shall be a majority vote of the full committee, 381  
with at least one of the commercial-excavator stakeholders voting 382  
with the majority, for the committee to make a finding under 383  
division (A) of this section. 384

Sec. 4913.171. If the underground technical committee reports 385  
that a person responsible for a compliance failure has been found 386  
to be a persistent noncomplier under section 4913.17 of the 387  
Revised Code, the public utilities commission may, at its sole 388  
discretion, impose a fine on the person not exceeding ten thousand 389  
dollars. A penalty recommended by the committee under section 390  
4913.15 or 4913.16 of the Revised Code may also be imposed by the 391  
commission. 392

Sec. 4913.19. (A) The underground technical committee may 393  
request a hearing with the public utilities commission if the 394  
committee believes that any person responsible for a compliance 395  
failure should be subject to a fine or penalty exceeding those 396  
described in section 4913.151 of the Revised Code. As a result of 397  
the hearing, the commission shall impose a fine or penalty at the 398  
commission's discretion. 399

(B) There shall be a majority vote of the full committee, 400  
with at least one of the commercial-excavator stakeholders voting 401  
with the majority, for the committee to request a hearing under 402  
division (A) of this section. 403

Sec. 4913.21. Except as provided in sections 4913.171 and 4913.19 of the Revised Code, the public utilities commission shall impose every recommendation made under section 4913.15 or 4913.16 of the Revised Code by the underground technical committee.

Sec. 4913.22. A person subject to a fine imposed under section 4913.171, 4913.19, or 4913.21 of the Revised Code or division (C) of section 4913.16 of the Revised Code shall pay the fine not later than sixty days after the fine or penalty is imposed. A person subject to a penalty imposed under any of those sections or that division shall begin compliance with the penalty not later than thirty days after the penalty is imposed.

Sec. 4913.23. The public utilities commission shall notify the complainant and the person responsible for the compliance failure of any fine or penalty imposed under section 4913.171, 4913.19, or 4913.21 of the Revised Code or division (C) of section 4913.16 of the Revised Code, or of a dismissal under section 4913.15 or 4913.16 of the Revised Code. The notice shall include all of the following, as applicable:

(A) The date of the compliance failure;

(B) The citation to the statute that was not complied with;

(C) A brief description of the compliance failure;

(D) The fine or penalty to be imposed, if any;

(E) Instructions on how to remit payment of a fine or to comply with a penalty;

(F) Instructions on how the person may file for reconsideration under section 4913.25 of the Revised Code and how to make a timely filing;

(G) A statement that failure to file for reconsideration

under section 4913.25 of the Revised Code will make any findings 432  
final and enforceable. 433

Sec. 4913.25. (A) If either the complainant or the person 434  
responsible for the compliance failure disagrees with a finding 435  
made by the underground technical committee under section 4913.15 436  
or 4913.16 of the Revised Code, either person may, not later than 437  
thirty days after receiving notice under section 4913.23 of the 438  
Revised Code, file a written application with the public utilities 439  
commission for reconsideration of the committee's finding. The 440  
application for reconsideration must state with particularity the 441  
grounds for reconsideration. 442

(B) Upon the filing of an application for reconsideration 443  
under this section, the commission shall review the finding of the 444  
committee. 445

(C) At the commission's sole discretion, the commission may 446  
hold a hearing on the application for reconsideration. 447

(D) The commission shall affirm, reject, or modify the 448  
finding of the committee and shall, at its sole discretion, impose 449  
any fine or penalty authorized under this chapter. The person 450  
responsible for the compliance failure shall pay any fine not 451  
later than sixty days after the fine is assessed and shall begin 452  
compliance with any penalty not later than thirty days after the 453  
penalty is imposed. 454

Sec. 4913.27. (A) All hearings brought under this chapter 455  
shall be conducted in a manner consistent with Chapter 4903. of 456  
the Revised Code. 457

(B) The public utilities commission shall deposit all fines 458  
collected under this chapter into the underground facilities 459  
protection fund created under section 4913.29 of the Revised Code. 460



Sec. 4913.29. There is hereby created in the state treasury 461  
the underground facilities protection fund. The fund shall consist 462  
of all fines collected under this chapter. The fund shall retain 463  
the interest earned. The amounts in the fund shall be used solely 464  
to fund grants under section 4913.31 of the Revised Code. 465

Sec. 4913.31. (A) The public utilities commission may 466  
administer an underground utility damage prevention grant program 467  
to provide grants for any of the following purposes: 468

(1) Public awareness programs established by a protection 469  
service; 470

(2) Training and education programs for excavators, 471  
operators, designers, persons who locate underground utility 472  
facilities, or other persons; 473

(3) Programs providing incentives for excavators, operators, 474  
persons who locate underground utility facilities, or other 475  
persons to reduce the number and severity of compliance failures. 476

(B) The commission shall determine the appropriate amount of 477  
any grant issued under this section. 478

Sec. 4913.45. (A) The public utilities commission shall, in 479  
coordination with the underground technical committee, adopt rules 480  
regarding all of the following: 481

(1) Guidelines for consistent application of fines and 482  
penalties under this chapter; 483

(2) Tracking compliance of persons on whom fines or penalties 484  
have been imposed under this chapter; 485

(3) The required contents of the underground utility damage 486  
prevention grant program established under section 4913.31 of the 487  
Revised Code; 488

<u>(4) The gathering, review, and acceptance of applications for a grant under section 4913.31 of the Revised Code;</u>	489 490
<u>(5) The dispensation and tracking of money from the underground utility damage prevention fund;</u>	491 492
<u>(6) The committee's duties, including rules that establish the committee's operation, meeting schedule, and voting procedures.</u>	493 494 495
<u>(B) The commission may adopt rules establishing the following:</u>	496 497
<u>(1) Procedures for conducting inquiries under section 4913.09 of the Revised Code;</u>	498 499
<u>(2) Any other duties for the underground technical committee pursuant to section 3781.36 of the Revised Code.</u>	500 501
<u><b>Sec. 4913.47.</b> Notwithstanding any provision of the Revised Code to the contrary, if a person is subject to more than one fine for the same compliance failure, and one fine is imposed under this chapter and one or more other fines are imposed under federal law, rules, or regulations, the person shall not be required to pay the fine imposed under this chapter.</u>	502 503 504 505 506 507
<u><b>Sec. 4913.50.</b> Any proceeding held under this chapter or any fine or penalty imposed under this chapter shall neither prevent nor preempt the right of any party to obtain civil damages for personal injury or property damage in a private cause of action. No finding, determination, or recommendation of the underground technical committee and no decision of the public utilities commission shall be determinative of civil liability.</u>	508 509 510 511 512 513 514
<u><b>Sec. 4913.52.</b> A person with a permit for excavation from the state or a local governmental unit is subject to this chapter. This chapter does not affect or impair local ordinances, charters,</u>	515 516 517

or other provisions of law requiring permits to be obtained before 518  
excavating. 519

**Section 2.** That existing section 3781.25 of the Revised Code 520  
is hereby repealed. 521