

Sixty-seventh  
Legislative Assembly  
of North Dakota

**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 endangers life, health, or property, the excavator responsible for the work shall  
12 take immediate action to protect the public and property and to minimize the  
13 hazard until arrival of the operator's personnel or until emergency responders  
14 have arrived and taken charge of the damaged area. If the damage results in the  
15 escape of flammable, toxic, or corrosive gas or liquid, the excavator immediately  
16 shall call 911 emergency services to report the damage and escaped gas or  
17 liquid.
- 18 b. An excavator shall delay backfilling in the immediate area of the damaged  
19 underground facilities until the damage has been investigated by the operator,  
20 unless the operator authorizes otherwise. The repair of damage must be  
21 performed by the operator or by qualified personnel authorized by the operator.
- 22 c. An excavator is guilty of a class A misdemeanor if the excavator damages an  
23 underground facility or its protective covering and knew or reasonably should  
24 have known the damage occurred and:

- 1                   (1) The excavator does not notify the operator as soon as reasonably possible;
- 2                   or
- 3                   (2) The excavator backfills in violation of subdivision b.