

HOUSE BILL No. 2226

By Committee on Energy, Utilities and Telecommunications

1-30

House Energy, Utilities and Telecommunications  
Prepared by: The Office of Revisor of Statutes

1 AN ACT concerning the state corporation commission; relating to the  
2 Kansas underground utility damage prevention act; extending the time  
3 period for notice for excavations; permitting virtual whitelining of  
4 excavation sites; amending K.S.A. 66-1804 and 66-1810 and K.S.A.  
5 2022 Supp. 66-1802, 66-1805 and 66-1806 and repealing the existing  
6 sections.

7 *Be it enacted by the Legislature of the State of Kansas:*

8 Section 1. K.S.A. 2022 Supp. 66-1802 is hereby amended to read as  
9 follows: 66-1802. As used in this act:

10 (a) "Damage" means any impact or contact with an underground  
11 facility, its appurtenances or its protective coating, or any weakening of the  
12 support for the facility or protective housing ~~which that~~ requires repair.

13 (b) "Electric public utility" means the same as such term is defined in  
14 K.S.A. 66-101a, and amendments thereto.

15 (c) "Emergency" means any condition constituting a clear and present  
16 danger to life, health or property, or a customer service outage.

17 (d) "Excavation" means any operation in ~~which earth, rock or other~~  
18 ~~material below the surface is moved or otherwise displaced by any means,~~  
19 ~~except filling the soil for normal agricultural purposes, or railroad or road~~  
20 ~~and ditch maintenance that does not change the existing railroad grade,~~  
21 ~~road grade and/or ditch flowline, or operations related to exploration and~~  
22 ~~production of crude oil or natural gas, or both.~~

23 (e) "Excavator" means any person who engages directly in excavation  
24 activities within the state of Kansas, but shall not include any occupant of  
25 a dwelling who: (1) Uses such dwelling as a primary residence; and (2)  
26 excavates on the premises of such dwelling.

27 (f) "Facility" means any sanitary sewer or underground line, system  
28 or structure used for transporting, gathering, storing, conveying,  
29 transmitting or distributing potable water, gas, electricity, communication,  
30 crude oil, refined or processed petroleum, petroleum products or hazardous  
31 liquids; "Facility" ~~shall not include any stormwater sewers or~~  
32 ~~liquids;~~

33 (1) Production petroleum lead lines, salt water disposal lines or  
34 injection lines; ~~which that~~ are not located on platted land or ~~inside outside~~  
35 the corporate limits of any city; or  
36 (2) ~~any stormwater sewers.~~

: (1)

: (2)

: (3)

; or (4) the moving of earth by tools manipulated only by human power  
for burying communication lines of a communications provider to a  
depth of not greater than 12 inches from the surface and within 24  
inches of a communications provider terminal or a customer structure  
where a provider's network interface device is located