

## SENATE BILL No. 540

By Committee on Ways and Means

2-10

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9 AN ACT concerning utilities; concerning the Kansas underground utili-  
10 ties damage prevention act; amending K.S.A. 66-1811 and repealing  
11 the existing section.  
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13 *Be it enacted by the Legislature of the State of Kansas:*

14 Section 1. K.S.A. 66-1811 is hereby amended to read as follows: 66-  
15 1811. (a) In a civil action in a court of this state when it is shown by  
16 competent evidence that personal injury, death or other damages, in-  
17 cluding damage to any underground facilities, occurred as a result of a  
18 violation of this act, there shall be a rebuttable presumption of negligence  
19 on the part of the violator.

20 (b) In no event shall the excavator be responsible for any damage to  
21 underground facilities if such damage was caused by the failure of the  
22 operator to correctly and properly mark the location of the tolerance zone  
23 of the damaged facility.

24 (c) Nothing in this act is intended to limit or modify the provisions  
25 of:

26 (1) K.S.A. 60-258a, and amendments thereto; or

27 (2) the national electrical safety code, which would otherwise be  
28 applicable.

29 (d) *In no event shall the excavator be responsible for any damage to*  
30 *underground facilities of a municipality which has elected by passage of*  
31 *a charter ordinance to exempt such municipality from the provisions of*  
32 *K.S.A. 66-1801 et seq., and amendments thereto, unless such excavator is*  
33 *guilty of gross and wanton negligence proximately causing such injury.*

34 Sec. 2. K.S.A. 66-1811 is hereby repealed.

35 Sec. 3. This act shall take effect and be in force from and after its  
36 publication in the statute book.