

State Damage Prevention Law Summary

State: Oklahoma

(Link to State law provided in Law & Regulation section below)

Summary Date: 8/7/2017

Excavator Requirements	
Excavation: Definition	Oklahoma Statutes §63-142.2. 5. "Excavate" means to dig, compress or remove earth, rock or other materials in or on the ground by use of mechanized equipment or blasting, including, but not necessarily limited to, augering, boring, backfilling, drilling, grading, pile driving, plowing in, pulling in, trenching, tunneling and plowing; provided, however, that neither: a. the moving of earth by tools manipulated only by human or animal power, nor b. any form of cultivation for agricultural purposes, nor any augering, dozing by noncommercial dozer operators or digging for postholes, farm ponds, land clearing or other normal agricultural purposes, c. nor routine maintenance, nor d. work by a public agency or its contractors on a preengineered project, nor e. work on a certified project, nor f. work on a permitted project, nor g. the opening of a grave in a cemetery, nor h. a solid waste disposal site which is a preengineered project, nor i. any individual excavating on his own property and who is not in the excavating business for hire, shall be deemed excavation; 6. "Excavation" means the act or operation of excavating;
Excavator: Definition	OK Statutes §63-142.2. 7. "Excavator" means a person or public agency that intends to excavate or demolish within the State of Oklahoma;
Excavator Notice to One Call Required (Yes / No)	Yes
Excavator Notice Minimum # Working Days Before Digging	2
Excavator Notice (Specific Language)	<p>OK Statutes §63-142.5. No excavator shall demolish a structure, discharge an explosive or commence to excavate in a highway, street, alley or other public ground or way, a private easement, or on or near the location of the facilities of an operator without first complying with the requirements of the Underground Facilities Damage Prevention Act and the Oklahoma Explosives and Blasting Regulation Act.</p> <p>§ 63-142.6 A. Before an excavator shall demolish a structure, discharge any explosive or commence to excavate in a highway, street, alley or other public ground or way, on or near the location of an operator's underground facilities, or a private easement, such excavator shall first notify all operators in the geographic area defined by the notification center who have on file with the notification center a notice pursuant to Section 142.3 of this title to determine whether any operators have underground facilities in or near the proposed area of excavation or demolition. When an excavator has knowledge that an operator does not have underground facilities within the area of the proposed excavation, the excavator need not notify the operator of the proposed excavation. However, an excavator shall be responsible for damage to the underground facilities of an operator if the notification center was not notified. Notice shall be given no more than ten (10) days nor less than forty-eight (48) hours, excluding Saturdays, Sundays and legal holidays, prior to the commencement of the excavation or demolition.</p> <p>§ 63-142.8 In addition to the notice required by Section 142.6 of this title, whenever the demolition of a structure is proposed, operators in the geographic area defined by the notification center who have a notice on file with the notification center pursuant to Section 142.3 of this title shall be given at least seven (7) business days' notice of the proposed demolition before the demolition work begins. Such notice shall be initiated by the notification center after the excavator has met local code requirements for a demolition permit.</p>
Ticket Life (# of days)	Not addressed
White-Line Required (Yes / No)	No
Tolerance Zone	24" (OK Statutes § 63:8:142.6 B.)
Special Digging Requirements Within Tolerance Zone (Specific Language)	<p>OK Statutes § 63-142.6 B. Each operator ,, shall ... locate and mark ... in a manner as to enable the excavator to employ hand-dug test holes to determine the precise location of the underground facilities in advance of excavation.</p> <p>§ 63-142.7 A. Except as provided in subsection B of this section, powered or mechanized equipment shall not be used directly over marked routes of underground facilities until the precise location of the underground facilities has been determined by the excavator, and then only after the facilities have been exposed and properly protected to avoid damage to them. If the precise location of the underground facilities cannot be determined by the excavator, the operator thereof shall be notified by the excavator so that the operator can determine the precise location of the underground facilities prior to continuing excavation or demolition. B. The only exception to the prohibition of the use of powered or mechanized equipment directly over marked routes of underground facilities shall be for the removal of pavement or masonry, and then only to the depth of such pavement or masonry.</p>
Hand Dig / Vacuum or Soft Excavation Within Tolerance Zone (Yes / No)	Yes. (OK Statutes § 63-142.6 B.)

Preserve / Maintain Marks Required (Yes / No)	No
Call Again If No Response from Operator Or Signs Of Unmarked Facilities (Yes / No)	No
Notify One-Call if Marks Moved or No Longer Visible (Yes / No)	No
Special Language Regarding Trenchless Technology (Yes / No)	No
Separate Locate Request Required for Each Excavator (Yes / No)	Yes. (OK Statutes § 63-142.6 A.)
Notify Operator of Damage (Yes / No)	Yes. (OK Statutes § 63-142.9 A.)
Notify One Call Center of Damage (Yes / No)	No
Call 911 if Hazardous Materials Released (Yes / No)	Yes. (Addressed FOR PIPELINES ONLY, in Oklahoma Administrative Code (OAC) Rule 165:20-17-5.)
Notice Exemptions (Yes / No)	Yes
Notice Exemptions (Specific Language)	<p>OK Statutes § 63-142.2 As used in the Oklahoma Underground Facilities Damage Prevention Act: ... 5. "Excavate" means...; provided, however, that neither: a. the moving of earth by tools manipulated only by human or animal power, nor b. any form of cultivation for agricultural purposes, nor any augering, dozing by noncommercial dozer operators or digging for postholes, farm ponds, land clearing or other normal agricultural purposes, nor c. routine maintenance, nor d. work by a public agency or its contractors on a preengineered project, nor e. work on a certified project, nor f. work on a permitted project, nor g. the opening of a grave in a cemetery, nor h. a solid waste disposal site which is a preengineered project, nor i. any individual excavating on his own property and who is not in the excavating business for hire, shall be deemed excavation;</p> <p>§ 63-142.6 A. ... When an excavator has knowledge that an operator does not have underground facilities within the area of the proposed excavation, the excavator need not notify the operator of the proposed excavation. However, an excavator shall be responsible for damage to the underground facilities of an operator if the notification center was not notified.</p> <p>§ 63-142.11 Notwithstanding anything which may be contained in this act to the contrary, public agencies and their contractors engaged in work within the public right-of-way which work is a pre-engineered project, certified project or routine maintenance shall be exempt from the provisions of this act. Provided a public agency contractor, prior to engaging in routine maintenance, shall take reasonable steps to determine the location of underground facilities in or near the proposed area of work. Reasonable steps may include utilization of the statewide one-call notification center procedures as provided for in Section 142.6 of this title.</p>
Operator Response	
Minimum # Days for Operator to Respond After Receiving Notice (Generally)	2 (OK Statutes § 63-142.6 B.)
Operator Requirements to Respond to Locate Notification (Specific Language)	OK Statutes § 63-142.6 B. Each operator served with notice in accordance with subsection A above either directly or by notice to the notification center shall, within forty-eight (48) hours after receipt of verification from the notification center that the notice has been accepted and acknowledged, excluding Saturdays, Sundays and legal holidays, unless otherwise agreed to between the excavator and operator, locate and mark or otherwise provide the approximate location of the underground facilities of the operator in a manner as to enable the excavator to employ hand-dug test holes to determine the precise location of the underground facilities in advance of excavation. ... Whenever an operator is served with notice of an excavation or demolition and determines that the operator does not have underground facilities located within the proposed area of excavation or demolition, the operator shall communicate this information to the excavator originating the notice prior to the commencement of such excavation or demolition.
Minimum Standards for Locator Qualifications (Yes / No)	No
Minimum Standards for Locator Qualifications (Specific Language)	Not Addressed

Law Specifies Marking Standards Other Than Color (Yes / No)	No
Law Specifies Marking Standards Other Than Color (Specific Language)	Not Addressed (Reference OK Statutes § 63-142.6 E.)
Law Includes Specific Language For Operators To Locate Sewer Laterals (Yes / No)	No
Law Includes Specific Language For Operators To Locate Abandoned Facilities (Yes / No)	No
Operator Must Locate Abandoned Facilities (Specific Language)	Not Addressed
Positive Response Required - Operator Contact Excavator (Yes / No)	No
Positive Response Required - Operator Contact Excavator (Specific Language)	Not addressed.
Positive Response Required - Operator Contact One Call Center (Yes / No)	No
Positive Response Required - Operator Contact One Call Center (Specific Language)	Not addressed
Positive Response - One-Call Automated (Yes / No)	No
Operator Must Provide One-Call Center with Information On Locations of Buried Facilities (Yes / No)	Yes
Operator Must Provide One-Call Center with Information On Locations of Buried Facilities (Specific Language)	OK Statutes § 63-142.3 All operators of underground facilities shall participate in the statewide one-call notification center and shall have on file with the notification center a notice that such operator has underground facilities, the county or counties where such facilities are located, and the address and telephone number of the person or persons from whom information about such underground facilities may be obtained. A municipality shall participate in the statewide one-call notification center as provided for in this section.
Operator Must Update Information On Locations of Buried Facilities (Yes / No)	No
Operator Must Update Information On Locations of Buried Facilities (Specific Language)	Not Addressed
New Facilities Must Be Locatable Electronically (Yes / No)	Yes
New Facilities Must Be Locatable Electronically (Specific Language)	OK Statutes § 63-142.9a A. ... Any new underground facilities installed on and after September 1, 1992, shall contain materials capable of being detected so that the facilities can be accurately located.

Design Request (Yes / No)	No. [However, reference OK Statutes § 63-142.2. 1. "Certified project" means a project where the public agency responsible for the public project, as part of its procedure, certifies that the project right-of-way is free and clear of underground facilities or wherein the public agency responsible for such project, as part of its procedure, notifies all persons determined by the public agency to have underground facilities located within the construction right-of-way and certifies that all known underground facilities are duly located or noted on the engineering drawings for the project.]
One Call, Enforcement, and Reporting	
Mandatory One Call Membership (Yes / No)	Yes
One Call Membership Exemptions (Yes / No)	No
One Call Membership Exemptions (Specific Language)	Not addressed. (Reference OK Statutes § 63-142.3.)
One-Call Law Addresses Board Make-Up (Yes / No)	No
One-Call Law Addresses Board Make-Up (Specific Language)	Not Addressed
Separate Body Designated to Advise Enforcement Authority (Yes / No)	No
Separate Body Designated to Advise Enforcement Authority (Specific Language)	Not Addressed
Penalties / Fines Excavators (Yes / No)	No
Penalties / Fines Excavators (Specific Language)	Not Addressed. (Reference OK Statutes § 63-142.9a.)
Penalties / Fines Operators (Yes / No)	No
Penalties / Fines Operators (Specific Language)	Not Addressed
Penalties / Fines Other (Yes / No)	No
Penalties / Fines Other (Specific Language)	Not Addressed
Enforcement Authority Identified	Oklahoma Corporation Commission, FOR PIPELINES AND PIPELINE SYSTEMS ONLY. (Reference OK Statutes § 63-142.9a and § 63-142.13.) Not addressed for non-pipeline facilities.
Damage Investigation Required by Enforcement Authority (Yes / No)	No
Mandatory Reporting of Excavation Damage by All Utility Owners to State Entity or Department (Yes / No)	No
Mandatory Reporting by Excavators to State Entity or Department (Yes / No)	No
Mandatory Reporting to State Entity or Department - Gas Only (Yes / No)	No
Law and Regulation	

Statute / Law (Name & Link)	Oklahoma Statutes §§ 63-142.1 through 63-142.13. Access "The Law" through the Okie811 website (http://www.okie811.org/how-it-works/the-law/)
Date of Last Revision to Statute / Law	July 8, 2015
Administrative Rules / Regulations (Yes / No)	Yes
Administrative Rules / Regulations (Name & Link)	<u>FOR PIPELINES ONLY.</u> <u>See Title 165, Oklahoma Corporation Commission, Chapter 20. Gas & Hazardous Liquid Pipeline Safety: Subchapter 17. Obligations under the Oklahoma Underground Facilities Damage Prevention Act Subject to Commission Enforcement. Oklahoma Administrative Code (http://www.occeweb.com/rules/proprules/165PER20%20accepted%20copy.pdf)</u>
State One Call Center(s) (Name & Link)	<u>Oklahoma One-Call System, Inc. (OKIE811)(http://www.callokie.com)</u>
Miscellaneous Notes	
Notes	FOR PIPELINES ONLY. See Title 165, Oklahoma Corporation Commission, Chapter 20 – Gas & Hazardous Liquid Pipeline Safety. Permanent Rules, Amended, Effective August 27, 2015. Subchapter 5, Part 9, § 165:20-5-41. Mandatory participation in Oklahoma One Call (a) The Commission adopts the provisions of the Oklahoma Underground Facilities Damage Prevention Act, Okla. Stat. Titl. 63, Section 142.1 through 142.11 as such exists March 1, 1993. (b) The Commission will enforce the provisions of Okla. Stat. Titl. Sections 142.1 through 142.11, as such exists March 1, 1993, against all intrastate operators subject to the provisions of 49 C.F.R. Part 192. [Source: Amended at 14 Ok Reg 2496, eff 7-1-97] Subchapter 7, § 165:20-7-3. Mandatory participation in Oklahoma one call (a) The Commission adopts the provisions of the Oklahoma Underground Facilities Damage Prevention Act, Okla. Stat. Titl. 63, Sections 142.1 through 142.11 as such exists March 1, 1993. (b) The Commission will enforce the provisions of Okla. Stat. Titl. 63, Sections 142.1 through 142.11, as such exists March 1, 1993, against all intrastate operators subject to the provisions of 49 C.F.R. Part 195. [Source: Added at 10 Ok Reg 2615, eff. 6-25-93] (Reference: http://www.occeweb.com/rules/CH20eff070111searchable.pdf)
State Damage Prevention / One-Call Law Recently Revised With Future Implementation Dates	0