



# Senate Bill 378

Providing Enforcement of  
Ohio's Damage Prevention Law

# **Background...**

- **Ohio Underground Damage Prevention Coalition (OUDPC) formed in 2011**
- **House Bill 458 signed into law by Governor Kasich in December 2012**
- **Senate Bill 378 introduced in October 2014**
- **Senate Bill 378 passed by House and Senate and signed by Governor Kasich in December 2014**

# **What is Senate Bill 378?**

**Senate Bill 378 provides for the enforcement of Ohio's underground damage prevention laws**

**It will become effective on January 1, 2016**

# **What will be enforced?**

**Most sections of Ohio's damage prevention law will be enforced...**

**153.64; divisions (A) and (B) of 3781.26;  
sections 3781.27 and 3781.28 to 3781.32;  
Chapter 4913**

**SB 378 will only determine whether or not a compliance failure of one of these sections has occurred – any liability related to a damage must be determined within a court of law**

# **How will the enforcement process work?**

- **Complaint driven process**
- **“Aggrieved person” may file request for inquiry with the PUCO within 90 days**
- **PUCO will notify the alleged responsible party and gather information**
- **PUCO will forward all information to the Underground Technical Committee (UTC)**

# **What is the UTC?**

- **A group of 17 industry experts tasked with reviewing all reported compliance violations**
- **Representatives will be appointed by the state legislature and Governor**
- **The purpose of the UTC is to provide industry knowledge and insight during the review of reported violations**

# **What is primary function of the UTC?**

**The UTC is tasked with reviewing all reports submitted to them by the PUCO and determining whether or not a compliance failure occurred**

**The PUCO must enforce all recommendations of the UTC**

# **What are the fines/penalties for non-compliance?**

- **1<sup>st</sup> time violations – training/education requirement, fine of up to \$2500 or combination of both**
- **2<sup>nd</sup> time violations – training/education requirement, fine of up to \$2500 or combination of both**
- **“Persistent Noncomplier” – PUCO may impose fine of up to \$10000**



# **What if I disagree with the finding of the UTC?**

- **The aggrieved party or the alleged responsible party may file for reconsideration with the PUCO within 30 days**
- **If a reconsideration is filed, the PUCO will review the finding of the UTC and may hold a hearing**
- **PUCO will affirm, reject or modify finding**

# **How will the enforcement process be funded?**

**All utilities, commercial excavators, developers and designers who participate in the one-call system will pay an annual registration fee not to exceed \$50 to the PUCO**

# **What happens to the monies collected as a result of the fines?**

**All fines collected will be deposited into the underground facilities protection fund and used solely to fund grants for underground utility damage prevention education awareness programs**

# **Additional Resources...**

Visit [www.oups.org](http://www.oups.org) for valuable  
resources

**Senate Bill 378**

**FAQs**

**Enforcement Process Flow Chart**

# Things To Remember

- Contact O.U.P.S. 48 hours before you dig
- Check Positive Response
- Preserve And Protect The Marks
- Don't Work Off Someone Else's Ticket
- Not All Utilities Are Registered With O.U.P.S.
- Utilities May Not Run In A Straight Line
- Do Not Assume Depth
- Report All Damages



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What is the Next Step?

# **Current Activities...**

- **PUCO will have draft of rules available by end of April/early May**
- **Comments on draft rules will be due within 25-30 days (tentatively, by end of June)**
- **PUCO will issue an order at the end of July**
- **Rehearing will occur at end of August**
- **An entry on the rehearing will occur by the end of September**
- **Rules will be filed with JCARR in late September**
- **JCARR jurisdiction will end in late November**
- **PUCO will provide final filing of rules in early December**
- **Rules will be in effect by January 1, 2016**

# **Other Developments**

**Since the two latest changes were revisions to current legislation, some language will need “cleaned up”.**

**One facet of latest revision is a reporting function of nature of damages.**



# **Other Issues**

**PHMSA still has issues with Ohio ORC due to exemptions of specific entities. It was decided not to tackle this political issue in the latest revision.**

**Developments as law is enacted and results are monitored.**

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**UPDATES**

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