



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?

- **1st time violations – training/education requirement, fine of up to \$2500 or combination of both**
- **2nd 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 for valuable
resources

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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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