

ASSEMBLY BILL

No. 1514

Introduced by Assembly Members Bonnie Lowenthal and Dickinson

January 13, 2012

An act to amend Section 4216.6 of the Government Code, relating to public works.

LEGISLATIVE COUNSEL'S DIGEST

AB 1514, as introduced, Bonnie Lowenthal. Public works: excavations: violations.

Existing law generally requires any person planning to conduct an excavation to contact a regional notification center prior to excavation, and, if practical, to delineate the areas to be excavated. Existing law authorizes the Attorney General, a district attorney, or the state or a local agency that issued a permit to excavate to bring an action for the enforcement of a civil penalty against an operator or excavator who negligently or knowingly and willfully violates these and related provisions.

This bill would also authorize the Public Utilities Commission to bring an action for enforcement pursuant to the provisions described above.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 4216.6 of the Government Code is
2 amended to read:

1 4216.6. (a) (1) Any operator or excavator who negligently
2 violates this article is subject to a civil penalty in an amount not
3 to exceed ten thousand dollars (\$10,000).
4 (2) Any operator or excavator who knowingly and willfully
5 violates any of the provisions of this article is subject to a civil
6 penalty in an amount not to exceed fifty thousand dollars (\$50,000).
7 (3) Except as otherwise specifically provided in this article, this
8 section is not intended to affect any civil remedies otherwise
9 provided by law for personal injury or for property damage,
10 including any damage to subsurface installations, nor is this section
11 intended to create any new civil remedies for those injuries or that
12 damage.
13 (4) This article shall not be construed to limit any other provision
14 of law granting governmental immunity to state or local agencies
15 or to impose any liability or duty of care not otherwise imposed
16 by law upon any state or local agency.
17 (b) An action may be brought by the Attorney General, the
18 district attorney, *the Public Utilities Commission*, or the local or
19 state agency which issued the permit to excavate, for the
20 enforcement of the civil penalty pursuant to this section. If penalties
21 are collected as a result of a civil suit brought by a state or local
22 agency for collection of those civil penalties, the penalties imposed
23 shall be paid to the general fund of the agency. If more than one
24 agency is involved in enforcement, the penalties imposed shall be
25 apportioned among them by the court in a manner that will fairly
26 offset the relative costs incurred by the state or local agencies, or
27 both, in collecting these fees.