

AMENDED IN SENATE JUNE 3, 2013

AMENDED IN ASSEMBLY APRIL 9, 2013

AMENDED IN ASSEMBLY APRIL 2, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 811

Introduced by Assembly Member Lowenthal
(Principal coauthor: Senator Hill)

February 21, 2013

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

LEGISLATIVE COUNSEL'S DIGEST

AB 811, as amended, Lowenthal. Excavations: regional notification center system: contractor certification.

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 the requirements of these and related provisions.

The bill would require ~~the regional notification centers to post on their Internet Web sites~~ statewide information, *as defined*, provided by operators and excavators regarding ~~violations of these requirements and damages resulting from those violations~~: *facility events, as defined, to be compiled and made available in an annual report by regional*

notification centers and posted on the Internet Web sites of those regional notification centers.

Vote: majority. Appropriation: no. Fiscal committee: no.
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:

3 4216.6. (a) (1) Any operator or excavator who negligently
4 violates this article is subject to a civil penalty in an amount not
5 to exceed ten thousand dollars (\$10,000).

6 (2) Any operator or excavator who knowingly and willfully
7 violates any of the provisions of this article is subject to a civil
8 penalty in an amount not to exceed fifty thousand dollars (\$50,000).

9 (3) Except as otherwise specifically provided in this article, this
10 section is not intended to affect any civil remedies otherwise
11 provided by law for personal injury or for property damage,
12 including any damage to subsurface installations, nor is this section
13 intended to create any new civil remedies for those injuries or that
14 damage.

15 (4) This article shall not be construed to limit any other provision
16 of law granting governmental immunity to state or local agencies
17 or to impose any liability or duty of care not otherwise imposed
18 by law upon any state or local agency.

19 (b) An action may be brought by the Attorney General, the
20 district attorney, or the local or state agency which issued the
21 permit to excavate, for the enforcement of the civil penalty pursuant
22 to this section. If penalties are collected as a result of a civil suit
23 brought by a state or local agency for collection of those civil
24 penalties, the penalties imposed shall be paid to the general fund
25 of the agency. If more than one agency is involved in enforcement,
26 the penalties imposed shall be apportioned among them by the
27 court in a manner that will fairly offset the relative costs incurred
28 by the state or local agencies, or both, in collecting these fees.

29 (c) ~~Statewide information provided by operators and excavators~~
30 ~~regarding violations of the requirements of this article and damages~~
31 ~~resulting from those violations~~ *facility events shall be compiled*
32 *and made available in an annual report by regional notification*

1 *centers and* posted on the Internet Web sites of the regional
2 notification centers.

3 *(d) For purposes of subdivision (c), the following terms have*
4 *the following meanings:*

5 *(1) “Facility event” means the occurrence of excavator*
6 *downtime, damages, near misses, and violations.*

7 *(2) “Statewide information” means information submitted by*
8 *operators and excavators using the California Regional Common*
9 *Ground Alliance’s Virtual Private Damage Information Reporting*
10 *Tool. Supplied data shall comply with the Damage Information*
11 *Reporting Tool’s minimum essential information as listed in the*
12 *Common Ground Alliance’s most recent Best Practices Handbook.*

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