

- 1 Page 1-above line 1 In the catch title, delete "exemption"
2 and insert "amendment".
3
- 4 Page 1-line 1 Delete "exempting activities".
5
- 6 Page 1-line 2 Delete entirely.
7
- 8 Page 1-line 3 Delete line through "Act" and insert
9 "requiring firefighters to notify the
10 notification center as soon as practical
11 regarding emergency wildfire excavations;
12 exempting emergency excavations from
13 liability for damages or injuries; amending a
14 definition".
15
- 16 Page 1-line 8 After "W.S." delete balance of line.
17
- 18 Page 1-line 9 Delete "subsection (k) is" and insert "37-12-
19 301(b)(ii) and 37-12-302(e) and (f) are".
20
- 21 Page 1-lines 11 through 15 Delete entirely and insert:
22
23 **"37-12-301. Short title; definitions.**
24
25 (b) As used in this act:
26
27 (ii) "Emergency" means a sudden, unforeseen occurrence,
28 including a loss of communications, which demands immediate action
29 to protect the health, safety and welfare of the public and to
30 prevent loss of life, health, property or essential public services
31 and advance notice to the notification center prior to excavation
32 is impracticable under the circumstances. "Emergency" shall
33 include, but is not limited to, ruptures and leakage of pipelines,
34 explosions, fires and similar instances where immediate action is
35 necessary to prevent loss of life or significant damage to
36 underground facilities or the environment;
37
- 38 **37-12-302. Notices; exceptions; penalty.**
39
40 (e) Emergency excavations are exempt from the time
41 constraints of the provisions of subsections (c) and (d) of this
42 section. If an emergency excavation is undertaken to suppress
43 wildfires, the excavator shall notify the notification center as

1 soon as practical. The excavator and operator shall not be required
2 to mark the area being excavated for wildfire suppression.

3
4 (f) If information required pursuant to subsection (d) of
5 this section is not provided within the time specified therein, or
6 if the information provided fails to identify the location of the
7 underground facilities in accordance with subsection (d) of this
8 section or when engaging in an emergency excavation, then any
9 excavator damaging or injuring underground facilities shall not be
10 liable for such damage or injury except when failing to utilize
11 reasonable care. However, if information required pursuant to
12 subsection (d) of this section is provided within the time
13 specified therein, and if the information provided sufficiently
14 identifies the location of the underground facilities in
15 accordance with subsection (d) of this section, then any excavator
16 damaging or injuring underground facilities shall be liable for
17 all damage or injury to persons or property.". LARSEN, CRAGO,
18 SWEENEY