
A BILL FOR AN ACT

RELATING TO THE ONE CALL CENTER.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that Act 72, Session Laws
2 of 2009, amended the definition of "excavation" to exempt
3 certain activities of pest control operators licensed under
4 chapter 460J, Hawaii Revised Statutes, from prohibitions of
5 certain actions and reporting and other requirements by the one
6 call center because pest control operators do not present the
7 risks to underground facilities that the one call center was
8 designed to address. Although the exemption is scheduled to
9 expire on June 30, 2012, the legislature finds that there have
10 been no adverse consequences as a result of this exemption and
11 that this exemption should therefore be made permanent.

12 The purpose of this Act is to clarify and make permanent
13 the exemption for certain activities of pest control operators
14 from the definition of "excavation" under the one call center
15 law.

16 SECTION 2. Section 269E-2, Hawaii Revised Statutes, is
17 amended by amending the definition of "excavation" to read as
18 follows:



1 "Excavation" means any operation in which earth, rock, or
 2 other material in the ground is moved, removed, or otherwise
 3 displaced by means of tools, equipment, or explosives, including
 4 but not limited to the following: grading, trenching, digging,
 5 ditching, boring, drilling, auguring, tunneling, scraping cable
 6 or pipe plowing and driving, demolition, and dredging.

7 "Excavation" shall not include any operation in which earth,
 8 rock, or other material in the ground is moved, removed, or
 9 otherwise displaced by means of tools, equipment, or explosives
 10 as part of:

11 (1) Improving an existing principal place of residence for
 12 one or two families, or improving or constructing an
 13 appurtenance thereto, on a parcel of land two acres or
 14 less in size, zoned for residential use, which is used
 15 or occupied or is developed, devoted, intended, or
 16 permitted to be used or occupied as a principal place
 17 of residence for one or two families; or

18 (2) Any pest control activity regulated under chapter
 19 460J[-] that is not performed under contract with any
 20 state or county agency or entity."

21 SECTION 3. Act 72, Session Laws of Hawaii 2009, is amended
 22 by amending section 5 to read as follows:



1 "SECTION 5. This Act shall take effect on June 29, 2009[~~+~~
2 ~~provided that section 2 of this Act shall be repealed on June~~
3 ~~30, 2012 and section 269E 2, Hawaii Revised Statutes, shall be~~
4 ~~reenacted in the form in which it read on June 28, 2009]."~~

5 SECTION 4. Statutory material to be repealed is bracketed
6 and stricken. New statutory material is underscored.

7 SECTION 5. This Act shall take effect on January 1, 3000.



Report Title:

One Call Center; Pest Control Operators; Exemption

Description:

Makes permanent the exclusion of certain pest control operators' activities from the definition of "excavation". Effective January 1, 3000. (HB1879 HD2)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

