

Honolulu, Hawaii

MAR 22 . . 2022

RE: S.B. No. 3078
S.D. 1
H.D. 1

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirty-First State Legislature
Regular Session of 2022
State of Hawaii

Sir:

Your Committee on Consumer Protection & Commerce, to which was referred S.B. No. 3078, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO ADVANCE WARNING FOR EXCAVATION,"

begs leave to report as follows:

The purpose of this measure is to amend the law regarding advance warning of excavations (One Call law) to improve consumer protection, including:

- (1) Narrowing the exemption from the requirements of the One Call law for excavations performed on certain residential property to only those excavations performed less than twelve inches in the ground;
- (2) Clarifying that locators are subject to the requirements of the One Call law; and
- (3) Specifying the situations in which persons have a duty to notify emergency services and operators of hazards and minimize the hazards.

Your Committee received testimony in support of this measure from the Public Utilities Commission, Able Pest Management LLC,



Aloha Termite & Pest Control, Hawaii Pest Control Association, Hawaii Gas, Hawaiian Telcom, and Xtermco Inc. Your Committee received testimony in opposition to this measure from two individuals.

Your Committee finds that in 2004, pursuant to Act 141, Session Laws of Hawaii 2004, the Legislature established the One Call Center to coordinate the location of subsurface installations, including underground utilities. The One Call law requires excavators to provide notice to the One Call Center five to twenty-eight days before planned excavations. This notice allows the One Call Center the opportunity to check for pipelines or similar infrastructure where an individual or organization plans to dig, to avoid accidentally colliding with such infrastructure.

However, your Committee further finds that the One Call law exempts excavators operating on one- to two-family residential properties from contacting the One Call Center before excavation. As a result, underground utility infrastructure is frequently impacted in residential properties. In 2020, sixty-eight percent of subsurface utility infrastructure impacts occurred on residential property. This exemption creates significant risk for homeowners, contractors, and the surrounding communities. This measure, among other things, will considerably narrow this exemption to minimize the risk of harm to residences.

Your Committee has amended this measure by:

- (1) Changing the effective date to January 1, 2050, to encourage further discussion; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Consumer Protection & Commerce that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3078, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 3078, S.D. 1, H.D. 1, and be referred to your Committee on Judiciary & Hawaiian Affairs.



Respectfully submitted on
behalf of the members of the
Committee on Consumer
Protection & Commerce,



AARON LONG JOHANSON, Chair



