

ADOPTED



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 476

AMENDMENT NO. A1
(to be filled in by
Principal Clerk)

H476-ATP-34 [v.5]

Page 1 of 2

Comm. Sub. [YES]
Amends Title [NO]
Second Edition

Date _____, 2013

Representative Hager

1 moves to amend the bill on page 4, lines 13 through 14, by rewriting those lines to read:

2 "the Notification Center among the member operators. Prior to adopting a method of
3 determining such cost allocation, the board of directors shall publish the proposed method of
4 cost allocation to the member operators, and the proposed method of cost allocation shall be
5 approved by the member operators.";

6
7
8 and on page 8, line 15, by rewriting that line to read:

9 **"§ 87-122.1. Training.**

10 (a) Every person who is an excavator, locator, or operator under this Act by virtue of
11 engaging in these activities in the course of a business or trade has a duty to provide education
12 and training to employees and to document such education and training. The training shall
13 include sufficient information, guidance, and supervision such that employees can competently
14 and safely operate the equipment used in the course of the business or trade and complete
15 assigned tasks in a competent and safe manner while minimizing the potential for damage.

16 (b) When an excavator, locator, or operator under this Act retains an independent
17 contractor to perform activities regulated by this Act, the duty set forth in subsection (a) of this
18 section shall not apply to the excavator, locator, or operator. Independent contractors shall
19 provide training to their employees in accordance with this section.

20 (c) Excavation shall be conducted in accordance with OSHA Standard 1926 and under
21 the direction of a competent person, as defined therein.

22 (d) Locators shall be properly trained. Locator training shall be documented.

23 **"§ 87-123. Exemptions.";**

24
25
26 and on page 8, lines 25 through 26, by rewriting those lines to read:

27 "(2) An excavation or demolition that involves the tilling of soil for agricultural
28 purposes.";

29
30
31 and on page 8, lines 45 through 46, by adding the following between the lines:



* H 4 7 6 - A T P - 3 4 - V - 5 *

NORTH CAROLINA GENERAL ASSEMBLY

AMENDMENT

House Bill 476

ADOPTED

AMENDMENT NO. A1

(to be filled in by
Principal Clerk)

H476-ATP-34 [v.5]

Page 2 of 2

- 1 "(6) An excavation or demolition performed by a farmer on his or her own
- 2 property that does not encroach on any operator's right-of-way, easement, or
- 3 permitted use.";
- 4
- 5
- 6 and on page 10, line 39, by rewriting that line to read:
- 7 "the parties enter into an arbitration process. The parties shall be responsible for selecting and
- 8 contracting with the arbitrator. Upon completion of the arbitration";
- 9
- 10 and on page 10, lines 41 through 42, by deleting the phrase "an award of the costs of arbitration
- 11 to the prevailing party" and substituting the phrase "assessing the costs of arbitration to the
- 12 non-prevailing party".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

**The official copy of this document, with signatures
and vote information, is available in the
House Principal Clerk's Office**