

CHAPTER 431

PUBLIC UTILITIES

HOUSE BILL 23-1216

BY REPRESENTATIVE(S) Story and Froelich, Bacon, Boesenecker, Brown, deGruy Kennedy, English, Epps, Gonzales-Gutierrez, Hamrick, Herod, Jodeh, Joseph, Lindsay, Mabrey, McCormick, Michaelson Jenet, Ortiz, Parenti, Ricks, Sirota, Velasco, Weissman, Woodrow, Kipp, Lindstedt, Valdez;
also SENATOR(S) Danielson, Buckner, Cutter, Ginal, Gonzales, Jaquez Lewis, Marchman.

AN ACT**CONCERNING MEASURES TO PROMOTE SAFETY IN THE DISTRIBUTION OF NATURAL GAS.**

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, 40-2-115, **amend** (1)(d)(II)(F) and (2); and **add** (1)(d)(II)(H), (1)(d)(II)(I), and (1.5) as follows:

40-2-115. Cooperation with other states and with the United States - natural gas pipeline safety - customer-owned service line maintenance and repairs notice of responsibility - rules - definitions. (1) (d) (II) The commission's gas pipeline safety rules must address, and may be more stringent than required by federal standards with regard to:

(F) Expansion of annual reporting requirements for pipeline operators; ~~and~~

(H) **ON OR BEFORE MARCH 1, 2024, REQUIREMENTS FOR THE INSTALLATION OR REINSTALLATION OF SERVICE REGULATORS BY THE OWNER OR OPERATOR SO THAT ANY VENTS ASSOCIATED WITH THE SERVICE REGULATORS ARE AT LEAST TWELVE INCHES ABOVE GROUND LEVEL AND LOCATED IN AN AREA THAT IS PROTECTED FROM EXTERNAL BLOCKAGE; AND**

(I) **ON OR BEFORE MARCH 1, 2024, REQUIREMENTS FOR THE VISUAL INSPECTION OF GAS METERS AND SERVICE REGULATORS BY A QUALIFIED INDIVIDUAL NO LESS FREQUENTLY THAN EVERY FIVE CALENDAR YEARS WITH INTERVALS NOT TO EXCEED SIXTY-THREE MONTHS AND RECORD DOCUMENTATION OF EACH INSPECTION AND FOR THE OWNER OR OPERATOR OF THE GAS METER OR SERVICE REGULATOR TO RETAIN THE DOCUMENTATION FOR THE LIFETIME OF THE GAS METER OR SERVICE REGULATOR.**

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

(1.5) (a) ON OR BEFORE MARCH 1, 2024, THE COMMISSION SHALL PROMULGATE RULES TO ESTABLISH A PROCESS FOR DETERMINING WHETHER AN OWNER OR OPERATOR OR A CUSTOMER HAS RESPONSIBILITY FOR THE MAINTENANCE AND REPAIRS OF A CUSTOMER-OWNED SERVICE LINE INSTALLED ON OR AFTER AUGUST 14, 1995, AND BEFORE MARCH 1, 2024.

(b) ON OR BEFORE MARCH 1, 2024, THE COMMISSION SHALL PROMULGATE RULES REQUIRING AN OWNER OR OPERATOR THAT DISTRIBUTES NATURAL GAS TO A CUSTOMER-OWNED SERVICE LINE INSTALLED BY THE OWNER OR OPERATOR ON OR AFTER MARCH 1, 2024, TO PROVIDE WRITTEN NOTICE TO THE CUSTOMER WITHIN NINETY DAYS AFTER INSTALLATION THAT, AT A MINIMUM, INFORMS THE CUSTOMER WHETHER THE CUSTOMER OR THE OWNER OR OPERATOR IS RESPONSIBLE FOR MAINTAINING AND REPAIRING THE CUSTOMER-OWNED SERVICE LINE.

(c) THE COMMISSION'S RULES PURSUANT TO SUBSECTION (1.5)(b) OF THIS SECTION MUST INCLUDE SPECIFIC CIRCUMSTANCES FOR WHEN A CUSTOMER MAY BE RESPONSIBLE FOR MAINTAINING AND REPAIRING THE CUSTOMER-OWNED SERVICE LINE AND A REQUIREMENT THAT:

(I) THE OWNER OR OPERATOR USE BEST EFFORTS TO OBTAIN A COPY OF THE WRITTEN NOTICE DESCRIBED IN SUBSECTION (1.5)(b) OF THIS SECTION WITH THE CUSTOMER'S SIGNATURE FROM THE CUSTOMER WITHIN NINETY DAYS AFTER INSTALLATION OF THE CUSTOMER-OWNED SERVICE LINE;

(II) WITH RESPECT TO THE COPY OF THE WRITTEN NOTICE DESCRIBED IN SUBSECTION (1.5)(b) OF THIS SECTION THAT INCLUDES THE CUSTOMER'S SIGNATURE IN ACCORDANCE WITH SUBSECTION (1.5)(c)(I) OF THIS SECTION, THE OWNER OR OPERATOR:

(A) PROVIDE A COPY TO THE CUSTOMER FOR THE CUSTOMER'S RECORDS;

(B) MAINTAIN A COPY FOR THE OWNER'S OR OPERATOR'S RECORDS FOR THE DURATION OF THE LIFETIME OF THE CUSTOMER-OWNED SERVICE LINE;

(C) PROVIDE A COPY TO AN INSPECTOR UPON REQUEST; AND

(D) IF THE PROPERTY ON WHICH THE CUSTOMER-OWNED SERVICE LINE IS LOCATED CHANGES OWNERSHIP, USE BEST EFFORTS TO OBTAIN A NEW COPY OF THE WRITTEN NOTICE DESCRIBED IN SUBSECTION (1.5)(b) OF THIS SECTION WITH THE NEW PROPERTY OWNER'S SIGNATURE FROM THE NEW PROPERTY OWNER WITHIN NINETY DAYS AFTER THE CHANGE OF OWNERSHIP IF THE OWNER OR OPERATOR IS AWARE OF THE CHANGE; AND

(III) IF THE OWNER OR OPERATOR FAILS TO OBTAIN A COPY OF THE WRITTEN NOTICE DESCRIBED IN SUBSECTION (1.5)(b) OF THIS SECTION WITH THE CUSTOMER'S SIGNATURE FROM THE CUSTOMER IN ACCORDANCE WITH SUBSECTION (1.5)(c)(I) OF THIS SECTION, THE OWNER OR OPERATOR EITHER MAINTAIN PROOF OF EFFORTS TO OBTAIN THE CUSTOMER'S SIGNATURE OR DOCUMENT THE CUSTOMER'S REFUSAL TO PROVIDE A SIGNATURE.

(d) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION TO THE CONTRARY, AN OWNER OR OPERATOR IS RESPONSIBLE FOR ALL MAINTENANCE AND REPAIRS OF THE PORTION OF A SERVICE LINE THAT IS UPSTREAM FROM THE GAS METER.

(e) NOTWITHSTANDING ANY PROVISION IN THIS SECTION TO THE CONTRARY, THE COMMISSION'S GAS PIPELINE SAFETY RULES PURSUANT TO THIS SECTION MUST PERMIT ANY ACTIVITY THAT IS WITHIN THE BEST PRACTICES AND STANDARDS FOR THE INDUSTRY GIVEN CONTINUOUS IMPROVEMENT AND CHANGES TO TECHNOLOGY.

(2) As used in this section, UNLESS THE CONTEXT OTHERWISE REQUIRES, OR AS OTHERWISE DEFINED IN COMMISSION RULES:

(a) "CUSTOMER-OWNED SERVICE LINE" MEANS THE PORTION OF THE SERVICE LINE THAT EXTENDS DOWNSTREAM FROM THE GAS METER TO THE CUSTOMER'S PRIMARY RESIDENTIAL OR COMMERCIAL STRUCTURE THAT IS SERVICED WITH NATURAL GAS.

(b) (I) "DISTRIBUTION SYSTEM" MEANS THE PIPING AND ASSOCIATED FACILITIES USED TO DELIVER NATURAL GAS TO CUSTOMERS.

(II) "DISTRIBUTION SYSTEM" DOES NOT INCLUDE THE FACILITIES THAT AN OWNER OR OPERATOR OWNS THAT ARE CLASSIFIED AS PRODUCTION, STORAGE, GATHERING, OR TRANSMISSION FACILITIES.

~~(a)~~ (c) "Gas" means natural gas, flammable gas, and any gas that is toxic or corrosive.

(d) "GAS METER" MEANS THE METER THAT MEASURES THE TRANSFER OF GAS FROM AN OWNER OR OPERATOR OF A CUSTOMER-OWNED SERVICE LINE TO A CUSTOMER.

(e) "MAIN LINE" MEANS THE PORTION OF A DISTRIBUTION SYSTEM THAT SERVES, OR IS DESIGNED TO SERVE, AS A COMMON SOURCE OF GAS SUPPLY FOR MORE THAN ONE SERVICE LINE.

(f) "OWNER OR OPERATOR" MEANS AN OWNER OR OPERATOR OF A DISTRIBUTION SYSTEM OR AN INVESTOR-OWNED NATURAL GAS UTILITY.

(g) "QUALIFIED" HAS THE MEANING SET FORTH IN 49 CFR 192.803.

(h) "SERVICE LINE" HAS THE MEANING SET FORTH IN 49 CFR 192.3.

(i) "SERVICE REGULATOR" MEANS THE DEVICE ON A SERVICE LINE THAT CONTROLS THE PRESSURE OF GAS DELIVERED FROM A HIGHER PRESSURE TO THE PRESSURE PROVIDED TO THE CUSTOMER. A SERVICE REGULATOR MAY SERVE ONE CUSTOMER OR MULTIPLE CUSTOMERS THROUGH A METER HEADER OR MANIFOLD.

~~(b)~~ (j) "Transportation of gas" or "transporting gas" means the gathering, transmission, or distribution of gas by pipeline, as defined in 49 CFR 192.3, or its storage.

SECTION 2. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety.

Approved: June 7, 2023