

**First Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO**

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 23-0507.01 Sarah Lozano x3858

HOUSE BILL 23-1216

HOUSE SPONSORSHIP

Story and Froelich,

SENATE SPONSORSHIP

Danielson,

House Committees
Energy & Environment

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING MEASURES TO PROMOTE SAFETY IN THE DISTRIBUTION**
102 **OF NATURAL GAS.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill requires the public utilities commission's (commission) gas pipeline safety rules, on or before March 1, 2024, to address requirements for:

- The inspection of gas meters and service regulators no more often than every 36 months and the recorded documentation of each inspection; and

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

HOUSE
Amended 2nd Reading
April 10, 2023

- The installation or reinstallation of service regulators so that any vents associated with the service regulators are at least 12 inches above ground level or 12 inches above any anticipated precipitation, whichever is higher.

The bill requires the commission to promulgate rules, on or before March 1, 2024, to establish a process for determining whether an owner or operator of a natural gas distribution system (owner or operator) or a customer is responsible for the maintenance and repairs of the portion of the service line, if installed on or after August 14, 1995, and before March 1, 2024, that extends from the gas meter to the customer's primary residential or commercial structure that is serviced with natural gas (customer-owned service line).

The bill also requires the commission to promulgate rules, on or before March 1, 2024, requiring an owner or operator that distributes gas to a customer-owned service line installed on or after March 1, 2024, to:

- Provide written notice to the customer, within 90 days after the installation of the customer-owned service line, informing the customer whether the owner or operator or the customer is responsible for the maintenance and repairs of the customer-owned service line; and
- Obtain a signed copy of the written notice from the customer.

An owner or operator that fails to obtain a signed copy of the written notice must repair and maintain the customer-owned service line for the lifetime of the customer-owned service line.

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

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

5 **40-2-115. Cooperation with other states and with the United**
6 **States - natural gas pipeline safety - customer-owned service line**
7 **maintenance and repairs notice of responsibility - rules - definitions.**

8 (1) (d) (II) The commission's gas pipeline safety rules must address, and
9 may be more stringent than required by federal standards with regard to:

10 (F) Expansion of annual reporting requirements for pipeline
11 operators; **and**

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

7 (I) ON OR BEFORE MARCH 1, 2024, REQUIREMENTS FOR THE
8 INSPECTION OF GAS METERS AND SERVICE REGULATORS BY A QUALIFIED
9 INDIVIDUAL OF THE OWNER OR OPERATOR AT LEAST EVERY THIRTY-SIX
10 MONTHS WITH INTERVALS NOT TO EXCEED THIRTY-NINE MONTHS AND THE
11 RECORDED DOCUMENTATION OF EACH INSPECTION AND FOR THE OWNER
12 OR OPERATOR OF THE GAS METER OR SERVICE REGULATOR TO RETAIN THE
13 DOCUMENTATION FOR THE LIFETIME OF THE GAS METER OR SERVICE
14 REGULATOR.

15 (1.5) (a) ON OR BEFORE MARCH 1, 2024, THE COMMISSION SHALL
16 PROMULGATE RULES TO ESTABLISH A PROCESS FOR DETERMINING
17 WHETHER AN OWNER OR OPERATOR OR A CUSTOMER HAS RESPONSIBILITY
18 FOR THE MAINTENANCE AND REPAIRS OF A CUSTOMER-OWNED SERVICE
19 LINE INSTALLED ON OR AFTER AUGUST 14, 1995, AND BEFORE MARCH 1,
20 2024.

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

1 THE CUSTOMER-OWNED SERVICE LINE.

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

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

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

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

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

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

20 (D) IF THE PROPERTY ON WHICH THE CUSTOMER-OWNED SERVICE
21 LINE IS LOCATED CHANGES OWNERSHIP, OBTAIN A NEW COPY OF THE
22 WRITTEN NOTICE DESCRIBED IN SUBSECTION (1.5)(b) OF THIS SECTION
23 WITH THE NEW PROPERTY OWNER'S SIGNATURE FROM THE NEW PROPERTY
24 OWNER WITHIN NINETY DAYS AFTER THE CHANGE OF OWNERSHIP; AND

25 (III) IF THE OWNER OR OPERATOR FAILS TO OBTAIN A COPY OF THE
26 WRITTEN NOTICE DESCRIBED IN SUBSECTION (1.5)(b) OF THIS SECTION
27 WITH THE CUSTOMER'S SIGNATURE FROM THE CUSTOMER IN ACCORDANCE

1 WITH SUBSECTION (1.5)(c)(I) OF THIS SECTION, THE OWNER OR OPERATOR
2 MAINTAIN AND REPAIR THE CUSTOMER-OWNED SERVICE LINE FOR THE
3 LIFETIME OF THE CUSTOMER-OWNED SERVICE LINE.

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

8 (2) As used in this section, UNLESS THE CONTEXT OTHERWISE
9 REQUIRES:

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

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

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

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

21 (d) "GAS METER" MEANS THE METER THAT MEASURES THE
22 TRANSFER OF GAS FROM AN OWNER OR OPERATOR TO A CUSTOMER.

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

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

1 UTILITY.

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

3 (h) "SERVICE LINE" MEANS THE PORTION OF A DISTRIBUTION
4 SYSTEM THAT RUNS FROM THE MAIN LINE, TRANSMISSION LINE, OR
5 GATHERING LINE TO THE CUSTOMER'S PRIMARY RESIDENTIAL OR
6 COMMERCIAL STRUCTURE THAT IS SERVICED WITH NATURAL GAS.

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

12 (b) (j) "Transportation of gas" or "transporting gas" means the
13 gathering, transmission, or distribution of gas by pipeline, as defined in
14 49 CFR 192.3, or its storage.

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