

## CHAPTER 197

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**LABOR AND INDUSTRY**

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**HOUSE BILL 03-1220**

BY REPRESENTATIVE(S) Rhodes, Frangas, and Fritz;  
also SENATOR(S) Johnson S.

**AN ACT****CONCERNING THE SAFETY OF PERSONS WHO ACT IN PROXIMITY TO HIGH VOLTAGE LINES.**

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

**SECTION 1.** 9-2.5-103 (2), Colorado Revised Statutes, is amended to read:

**9-2.5-103. Activity in close proximity to lines - clearance arrangements - procedure - payment - notice.** (2) (a) The person or business entity responsible for performing the work in the vicinity of the high voltage overhead lines shall pay any actual expenses of the public utility operating high voltage overhead lines in providing arrangements for clearances, except when prior arrangements for payment have been made between a governmental entity for whom the work is to be done and the public utility operating the lines and except in instances where the public utility operating high voltage overhead lines has installed lines within fifteen feet of an existing fixture or structure after the fixture or structure has been in place at a permanent location. The public utility is not required to provide the arrangements for clearances until an agreement for payment has been made; except that, if there is a dispute over the amount to be charged by the utility for providing arrangements for clearance, the utility shall commence with providing temporary clearance as if agreement had then been reached. If agreement for payment has not been reached within fourteen days ~~from~~ AFTER completion of temporary clearance, the public utility and the person or business entity responsible for doing the work shall resolve such dispute by arbitration or other legal means. Unless otherwise agreed to by the person or business entity responsible for doing the work, the public utility shall commence construction for temporary clearances within three working days after the date an agreement for payment, if required, has been reached or, if no payment is required, within five working days after the date of the request of the person responsible for the work. Once initiated, the clearance work shall continue without interruption until completed. Should the public utility fail to provide for temporary clearances or safety

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*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

measures in a timely manner, the public utility shall be liable for costs or loss of production of the person or business entity requesting assistance to work in close proximity to high voltage overhead lines.

(b) A PERSON REQUESTING THAT THE UTILITY CLEAR HIGH VOLTAGE OVERHEAD LINES SHALL NOT WORK NEAR THE LINES UNTIL THE UTILITY NOTIFIES SUCH PERSON THAT THE CLEARANCE IS COMPLETED. IF THE LOCATION OR THE CONDITIONS OF THE PLANNED WORK NEAR A HIGH VOLTAGE OVERHEAD LINE CHANGES, THE PERSON SHALL NOTIFY THE UTILITY OF SUCH CHANGES AND CEASE ALL WORK UNTIL THE UTILITY HAS COMPLETED ANY ADDITIONAL CLEARANCE MEASURES THAT MAY BE NECESSARY.

**SECTION 2.** 9-2.5-104 (1) and (2), Colorado Revised Statutes, are amended to read:

**9-2.5-104. Violation.** (1) (a) ~~Any A person or business entity or any agent thereof who violates any provision of this article may be subject to a civil penalty in an amount not to exceed one thousand dollars, to be imposed by any court of competent jurisdiction in favor of the state to be~~ AND credited to the general fund.

(b) A PERSON WHO VIOLATES THIS ARTICLE MORE THAN ONCE MAY BE SUBJECT TO A CIVIL PENALTY NOT TO EXCEED TWO THOUSAND DOLLARS FOR EACH VIOLATION, TO BE IMPOSED BY A COURT OF COMPETENT JURISDICTION AND CREDITED TO THE GENERAL FUND. A PERSON WHO VIOLATES THIS ARTICLE MORE THAN ONCE MAY BE LIABLE FOR REASONABLE ATTORNEY FEES AND COSTS INCURRED IN THE PROSECUTION OF THE VIOLATIONS AS DETERMINED BY THE COURT.

(2) If a violation of this article results in physical or electrical contact with any high voltage overhead line, the person OR business entity ~~or public utility violating this article may be liable for all damages and all costs and expenses, incurred, as a result of the contact, as determined by a court of record, or by a settlement made by all parties who may become liable for such damages prior to the filing of or during the course of a civil action~~ SHALL BE LIABLE TO THE OWNER OR OPERATOR OF THE HIGH VOLTAGE OVERHEAD LINE FOR DAMAGES TO THE FACILITIES CAUSED BY THE CONTACT AND FOR THE LIABILITY INCURRED BY THE OWNER OR OPERATOR DUE TO THE CONTACT.

**SECTION 3.** 9-2.5-105, Colorado Revised Statutes, is amended to read:

**9-2.5-105. Exemptions.** (1) EXCEPT AS PROVIDED IN SUBSECTION (2) OF THIS SECTION, this article does not apply to construction, reconstruction, operation, or maintenance by an authorized person of overhead electrical or communication circuits or conductors and their supporting structures, or to electrical generating, transmission, or distribution systems, or to communication systems, or to the collection of trash and refuse using equipment designed for that purpose, or to highway vehicles or agricultural equipment, including aerial applicators licensed pursuant to section 35-10-106, C.R.S., which in normal use may incidentally pass within the ten-foot clearance limitation, or to governmental entities responding to any emergency situation.

(2) (a) HIGHWAY VEHICLES SHALL NOT BE OPERATED WITHIN FOUR AND ONE-HALF FEET OF A HIGH VOLTAGE OVERHEAD LINE UNLESS THE PERSON OR BUSINESS ENTITY

OPERATING THE HIGHWAY VEHICLE HAS COMPLIED WITH SECTIONS 9-2.5-102 AND 9-2.5-103.

(b) THIS SUBSECTION (2) SHALL NOT APPLY TO HIGHWAY VEHICLES OPERATED BY THE COLORADO DEPARTMENT OF TRANSPORTATION RESPONDING TO EMERGENCY SITUATIONS.

**SECTION 4. Effective date - applicability.** This act shall take effect upon passage and shall apply to acts committed on or after said date.

**SECTION 5. Safety clause.** The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: April 29, 2003