

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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SENATE BILL 1027

Short Title: Amend Voltage Safety Act.

(Public)

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Sponsors: Senator Miller.

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Referred to: Commerce.

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April 21, 1997

A BILL TO BE ENTITLED

AN ACT TO MODIFY THE HIGH-VOLTAGE LINE SAFETY ACT.

The General Assembly of North Carolina enacts:

Section 1. G.S. 95-229.6(4) reads as rewritten:

"(4) 'Person responsible for the work to be done' means the person performing or controlling the job financially responsible for the work that necessitates the precautionary safety measures required by this Article."

Section 2. G.S. 95-229.7(a) reads as rewritten:

"(a) Unless danger of contact with high-voltage lines has been guarded against as provided by G.S. 95-229.8, 95-229.9, and 95-229.10, the following actions are prohibited:

(1) No person shall, individually or through an agent or employee, perform, or require any other person to perform, any work upon any land, building, highway, or other premises that will cause:

a. Such individual, agent, employee, or other person to be placed within six feet of any overhead high-voltage line; or any part of any tool or material used by the agent, employee, or other person to be brought within six feet of any overhead high-voltage line, or

- 1           b. Any part of any covered equipment or covered item used by the  
2           individual, agent, employee, or other person to be brought within  
3           10 feet of any high-voltage line.
- 4           (2) No person shall, individually or through an agent or employee or as an  
5           agent or employee, erect, construct, operate, maintain, transport, or store  
6           any covered equipment or covered item within 10 feet of any high-  
7           voltage line, or such greater clearance as may be required under the  
8           circumstances by OSHA, except as provided herein. This prohibition  
9           shall not apply, however, to covered equipment as defined herein when  
10          lawfully driven or transported on public streets and highways in  
11          compliance with applicable height restrictions. The required clearance  
12          from high-voltage lines shall be not less than four feet when:
- 13          a. Covered equipment as defined herein is lawfully driven or  
14          transported on public streets and highways in compliance with  
15          the height restriction applicable thereto,  
16          b. Refuse collection equipment is operating, or  
17          c. Agricultural equipment is operating.
- 18          (3) No person shall, individually or through an agent or employee or as an  
19          agent or employee, operate or cause to be operated an airplane or  
20          helicopter within 20 feet of a high-voltage line, except that no clearance  
21          is specified for licensed aerial applicators that may incidentally pass  
22          within the 20-foot limitation during normal operation.
- 23          (4) No person shall, individually or through an agent or employee or as an  
24          agent or employee, store or cause to be stored any materials that are  
25          expected to be moved or handled by covered equipment or any covered  
26          item within 10 feet of a high-voltage line.
- 27          (5) No person shall, individually or through an agent or employee or as an  
28          agent or employee, provide or cause to be provided additional clearance  
29          by either (i) raising, moving, or displacing any overhead ~~utility-high-~~  
30          voltage electric lines of any type or nature including high-voltage, low-  
31          voltage, telephone, cable television, fire alarm, or other lines or (ii) pulling  
32          or pushing any pole, guy, or other structural appurtenance.
- 33          (6) No person shall, individually or through an agent or employee or as an  
34          agent or employee, excavate or cause to be excavated any portion of any  
35          foundations of structures, including guy anchors or other structural  
36          appurtenances, which support any overhead ~~utility-high-voltage electric~~  
37          lines of any type or nature, including high-voltage, low-voltage, telephone,  
38          cable television, fire alarm, or other lines."

39          Section 3. G.S. 95-229.8(a) reads as rewritten:

- 40          "(a) No person shall, individually or through an agent or employee or as an agent or  
41          employee, operate any covered equipment in the proximity of a high-voltage line unless  
42          warning signs are posted and maintained as follows:

- 1           (1) A sign shall be located within the equipment and readily visible and  
2           legible to the operator of such equipment when at the controls of such  
3           equipment; and  
4           (2) Signs shall be located on the outside of equipment so as to be readily  
5           visible and legible at 12 feet to other persons engaged in the work  
6           operations.

7 This subsection shall not apply to ~~handheld tools and tools,~~ handheld equipment  
8 equipment, and other items which by their size or configuration cannot accommodate the  
9 warning signs specified in G.S. 95-229.6(5)."

10           Section 4. G.S. 95-229.10(d) reads as rewritten:

11           "(d) Unless otherwise agreed, the owner or operator of the high-voltage lines shall  
12 initiate the precautionary safety arrangements agreed upon within five working days after  
13 the agreement for payment has been reached as required in subsection (c) of this section,  
14 but no earlier than the agreed construction date coordinated between the parties. Once  
15 initiated, the owner or operator shall complete the work promptly and without  
16 interruption, consistent with the owner's or operator's service needs. Should the owner or  
17 operator of the high-voltage lines fail to provide the precautionary safety measures agreed  
18 upon ~~in a timely manner,~~ within five working days, the owner or operator of the high-  
19 voltage lines shall be liable for costs or loss of production of the person or business entity  
20 requesting assistance to work in close proximity to high-voltage lines, except that no such  
21 liability shall exist during times of emergency, such as storm repair and the like."

22           Section 5. This act is effective when it becomes law and applies to work done  
23 on or after that date.