



Senate

General Assembly

File No. 462

February Session, 2004

Substitute Senate Bill No. 144

Senate, April 6, 2004

The Committee on Judiciary reported through SEN. MCDONALD of the 27th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING THE CALL-BEFORE-YOU-DIG PROGRAM.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 16-356 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2004*):

3 Any person, public agency or public utility which the Department
4 of Public Utility Control determines, after notice and opportunity for a
5 hearing as provided in section 16-41, to have failed to comply with any
6 provision of this chapter or any regulation adopted under section 16-
7 357 shall forfeit and pay to the state a civil penalty of not more than
8 [ten] thirty thousand dollars. Notwithstanding the provisions
9 contained in subsection (d) of section 16-41, the person, public agency
10 or public utility receiving a notice of violation pursuant to subsection
11 (c) of section 16-41 shall have thirty days from the date of receipt of the
12 notice in which to deliver to the department a written application for a
13 hearing.

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 05 \$	FY 06 \$
Public Utility Control, Dept.	GF - Revenue Gain	Potential	Potential

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill increases the maximum civil penalty (from \$10,000 per violation to \$30,000) that the Department of Public Utility Control can impose against any person who violates a provision of the Call Before You Dig program. Since a majority of these fines do not approach the maximum level under current law, annual revenue gain under the bill is anticipated to be minimal.

OLR Bill Analysis

sSB 144

AN ACT CONCERNING THE CALL-BEFORE-YOU-DIG PROGRAM**SUMMARY:**

This bill increases from \$10,000 to \$30,000, the maximum civil penalty for violations of the state's call before you dig (CBYD) laws, which govern excavations near utility lines. It requires the Department of Public Utility Control to revise its CBYD regulations regarding a graduated schedule of penalties and the criteria the department uses to determine the amount of a penalty.

EFFECTIVE DATE: October 1, 2004

COMMITTEE ACTION

Energy and Technology Committee

Joint Favorable Substitute Change of Reference

Yea 16 Nay 0

Judiciary Committee

Joint Favorable Report

Yea 42 Nay 0