

Honolulu, Hawaii

FEB 18 , 2022

RE: H.B. No. 2110
H.D. 1

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirty-First State Legislature
Regular Session of 2022
State of Hawaii

Sir:

Your Committee on Consumer Protection & Commerce, to which was referred H.B. No. 2110 entitled:

"A BILL FOR AN ACT RELATING TO ADVANCE WARNING FOR EXCAVATION,"

begs leave to report as follows:

The purpose of this measure is to amend the law regarding advance warning of excavations (One Call law) to improve consumer protection, including:

- (1) Narrowing the exemption from the requirements of the One Call law for excavations performed on certain residential property to only those excavations performed by the owner or occupier and less than twelve inches in the ground;
- (2) Clarifying that locators are subject to the requirements of the One Call law; and
- (3) Specifying the situations in which persons have a duty to notify emergency services and operators of hazards and minimize the hazards.

Your Committee received testimony in support of this measure from the Public Utilities Commission; Hawaii Pest Control



Association; Hawaii Gas; Hawaiian Electric Company, Inc.; and Hawaiian Telcom. Your Committee received testimony in opposition to this measure from one individual.

Your Committee finds in 2004, pursuant to Act 141, Session Laws of Hawaii 2004, the Legislature established the One Call Center to coordinate the location of subsurface installations, including underground utilities. The One Call law requires excavators provide notice to the One Call Center five to twenty-eight days before planned excavations. This notice allows the One Call Center the opportunity to check for pipelines or similar infrastructure where an individual or organization plans to dig, to avoid accidentally colliding with such infrastructure.

However, your Committee further finds that the One Call law exempts excavators operating on one- to two-family residential properties from contracting the One Call Center prior to excavation. As a result, underground utility infrastructure is frequently impacted in residential properties. In 2020, sixty-eight percent of subsurface utility infrastructure impacts occurred on residential property. This exemption creates significant risk for homeowners, contractors, and the surrounding communities. This measure, among other things, will considerably narrow this exemption to minimize the risk of harm to residences.

Your Committee notes that language in this measure would be construed to subject pest control operators to the requirements under the One Call law. However, the Public Utilities Commission has previously held that pest control operators do not pose a level of risk that would require their compliance with the One Call law. Accordingly, pest control operators should be allowed to operate without being subject to the requirements of the One Call law.

Your Committee has amended this measure by:

- (1) Deleting the condition that excavations on residential property must be performed by the owner or occupier to be exempt from the One Call law;
- (2) Changing the effective date to January 1, 2050, to encourage further discussion; and



- (3) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Consumer Protection & Commerce that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2110, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2110, H.D. 1, and be referred to your Committee on Judiciary & Hawaiian Affairs.

Respectfully submitted on
behalf of the members of the
Committee on Consumer
Protection & Commerce,



AARON LING JOHANSON, Chair



