

By: Representative Simpson

To: Public Utilities;
Judiciary A

HOUSE BILL NO. 1315

1 AN ACT TO AMEND SECTION 45-15-11, MISSISSIPPI CODE OF 1972,
2 TO ESTABLISH ADDITIONAL SAFETY REQUIREMENTS FOR PERSONS OPERATING
3 CRANES OR SIMILAR EQUIPMENT WITHIN TEN FEET OF HIGH VOLTAGE
4 OVERHEAD LINES; TO AMEND SECTION 45-15-13, MISSISSIPPI CODE OF
5 1972, TO AUTHORIZE ELECTRIC UTILITIES TO ASSERT, AT ANYTIME, A
6 RIGHT OF ACTION AGAINST PERSONS WHOSE NEGLIGENCE OR VIOLATION OF
7 THE STATUTES RELATING TO THE OPERATION OF EQUIPMENT NEAR SUCH
8 OVERHEAD LINES MAY HAVE CONTRIBUTED TO A PERSON'S INJURY, DEATH OR
9 PROPERTY DAMAGE; AND FOR RELATED PURPOSES.

10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

11 SECTION 1. Section 45-15-11, Mississippi Code of 1972, is
12 amended as follows:

13 45-15-11. No person shall use or operate any tools,
14 equipment, crane, derrick, power shovel, drilling rig, pile
15 driver, hoisting equipment, or similar apparatus, or any part
16 thereof, * * * within ten (10) feet of any high voltage overhead
17 line, unless:

18 (a) There is posted and maintained a warning sign,
19 as * * * defined in Section 45-15-1, clearly legible and placed as
20 follows:

21 (i) Within the equipment readily visible to the
22 operator of such equipment when at the controls of such equipment;
23 and

24 (ii) On the outside of the equipment in such
25 number and location as to be readily visible to mechanics or other
26 persons engaged in the work operations;

27 (b) There is installed an insulated cage-type guard or
28 protective device about the boom or arm of all equipment, except
29 backhoes or dippers and, where the equipment includes a lifting

hook device, all lifting lines are equipped with insulator links on the lift hook connection; and

(c) A person is designated to observe clearance of the equipment from any nearby high voltage overhead lines and to give timely warning for all operations where it is difficult, by visual means, for the operator to determine and to maintain the required clearance.

(d) Before operating the equipment, the person whose operations could come within ten (10) feet of any high voltage overhead line shall ascertain whether any part of any high voltage overhead line is located so that the operation of the equipment might bring any person, tools, equipment, crane, derrick, power shovel, drilling rig, pile driver, hoisting equipment or similar apparatus, or any part thereof, into physical or electrical contact with the high voltage overhead line, and this person shall advise employees of the location of the high voltage overhead lines, the hazards involved and the protective measures to be taken.

SECTION 2. Section 45-15-13, Mississippi Code of 1972, is amended as follows:

45-15-13. (1) Any person who knowingly violates this chapter may be subject to a civil penalty in an amount not to exceed Five Thousand Dollars (\$5,000.00), to be imposed by a court of competent jurisdiction against the person, and such penalty shall be deposited in the General Fund.

(2) Any electric utility sued in a civil action as a result of injury, death or damage to any person or property from contact with a high voltage overhead line shall have a right of action against any person whose negligence or violation of this chapter was a proximate contributing cause of the injury, death or damage for the portion of damages attributable to that person's negligence or violation of this chapter for which the electric utility has been or might be held liable. The electric utility may assert the right of action at any time. However, the electric utility may not recover any portion of such damages which is attributable to its own negligence. In addition, any electric utility sued in such civil action shall have the right to join as

a third-party in the action against the electric utility any person who is or might be liable to the electric utility under this chapter. In all cases against the electric utility, at the request of any party, the fact finder shall allocate under Section 85-5-7 the casual fault of the violator of this chapter, whether or not the violator has been joined as a party.

(3) Nothing contained in this act shall be construed to alter, amend, restrict or limit the liability of persons as defined in this chapter for violation of his duty under current law to use a high degree of care in the construction, maintenance and supply of electricity; nor shall any person be relieved from liability as a result of violations of standards under existing law regarding the construction, maintenance and supply of electricity, where such failure to use a high degree of care or violations of existing standards are found to be a cause of damage to property, personal injury or death.

(4) Other than an electric utility filing a claim under this chapter, nothing contained in this chapter shall be construed to alter, amend or expand in any way the provisions of Section 71-3-9 as to an employee, his legal representative, husband or wife, parents, dependents, next of kin or anyone otherwise entitled to recover damages at common law or otherwise from such employer on account of such injury or death.

(5) Nothing contained in this chapter shall be considered as a waiver of immunity in whole or in part as to any governmental entity or construed to alter, amend, restrict or limit in any way the protections provided in Sections 11-46-1 et seq.

(6) The provisions contained in this chapter do 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 electrical generating, transmission or distribution systems or communication systems.

100 SECTION 3. This act shall take effect and be in force from
101 and after July 1, 1999.