

By: Senator(s) Robertson

To: Public Utilities;
Judiciary

SENATE BILL NO. 3012

1 AN ACT TO AMEND SECTIONS 45-15-11 AND 45-15-13, MISSISSIPPI
2 CODE OF 1972, TO PROVIDE ENHANCED PROTECTION OF PERSONS WORKING
3 AROUND HIGH VOLTAGE POWER LINES; AND FOR RELATED PURPOSES.

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

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

7 45-15-11. No person shall use or operate any tools,
8 equipment, crane, derrick, power shovel, drilling rig, pile
9 driver, hoisting equipment, or similar apparatus, or any part
10 thereof, * * * within ten (10) feet of any high voltage overhead
11 line, unless:

12 (a) There is posted and maintained a warning sign, as
13 herein defined, clearly legible and placed as follows:

14 (i) Within the equipment readily visible to the
15 operator of such equipment when at the controls of such equipment;
16 and

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

20 (b) There is installed an insulated cage-type guard or
21 protective device about the boom or arm of all equipment, except
22 backhoes or dippers and, where the equipment includes a lifting
23 hook device, all lifting lines are equipped with insulator links
24 on the lift hook connection; * * *

25 (c) A person is designated to observe clearance of the
26 equipment from any nearby high voltage overhead lines and to give

27 timely warning for all operations where it is difficult by visual
28 means for the operator to determine and to maintain the required
29 clearance; and

30 (d) Before work is begun, the person whose work could
31 come within ten (10) feet of any high voltage overhead line shall
32 ascertain whether any part of any high voltage overhead line is so
33 located that the performance of the work might bring any person,
34 tools, equipment, crane, derrick, power shovel, drilling rig, pile
35 driver, hoisting equipment, or similar apparatus, or any part
36 thereof, into physical or electrical contact with the high voltage
37 overhead lines, whereupon he shall advise employees of the
38 location of such high voltage overhead lines, the hazards
39 involved, and the protective measures to be taken.

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

42 45-15-13. (1) Any person who knowingly violates this
43 chapter may be subject to a civil penalty in an amount not to
44 exceed Five Thousand Dollars (\$5,000.00) to be imposed by a court
45 of competent jurisdiction against said person and such penalty
46 shall be deposited in the General Fund.

47 (2) Any electric utility sued in a civil action as a result
48 of injury, death or damage to any person or property from contact
49 with a high voltage overhead line shall have a right of action
50 against any person whose violation of this chapter or negligence
51 was a proximate contributing cause of such injury, death or damage
52 for the portion of damages attributable to that person's violation
53 of this chapter or negligence for which the electric utility has
54 been or might be held liable; the right of action may be asserted
55 at any time. However, the electric utility may not recover any
56 portion of such damages which is attributable to its own
57 negligence. In addition, any electric utility so sued shall have
58 the right to join as a third-party in the civil action against the
59 electric utility any person who is or might be liable to the
60 electric utility under the provisions of this chapter. In all
61 cases against the electric utility, at the request of any party,
62 the finder of fact shall allocate under Section 85-5-7 the causal
63 fault of the violator of the chapter, without regard to whether

64 the violator has been joined as a party. The right of action
65 created hereby shall not be available against persons who comply
66 with the provisions of this chapter * * *.

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

77 (4) Other than an electric utility filing a claim under this
78 chapter, nothing contained herein shall be construed to alter,
79 amend or expand in any way the provisions of Section 71-3-9,
80 Mississippi Code of 1972, as to an employee, his legal
81 representative, husband or wife, parents, dependents, next of kin
82 or anyone otherwise entitled to recover damages at common law or
83 otherwise from such employer on account of such injury or death.

84 (5) Nothing contained herein shall be considered as a waiver
85 of immunity in whole or in part as to any governmental entity or
86 construed to alter, amend, restrict or limit in any way the
87 protections provided in Sections 11-46-1 et seq., Mississippi Code
88 of 1972.

89 (6) The provisions contained in this chapter do not apply to
90 construction, reconstruction, operation or maintenance by an
91 authorized person of overhead electrical or communication circuits
92 or conductors and their supporting structures or electrical
93 generating, transmission or distribution systems or communication
94 systems.

95 SECTION 3. This act shall take effect and be in force from
96 and after its passage.