January 23, 2004

HOUSE BILL No. 1190

DIGEST OF HB 1190 (Updated January 21, 2004 4:33 pm - DI 96)

Citations Affected: IC 8-1.

Synopsis: Hours of work for public utility workers during emergencies. Exempts an employee of a public utility or an employee of a subcontractor or contractor of a public utility from the maximum hours of service that the employee is permitted to work under federal regulations when the individual: (1) holds a commercial driver's license; and (2) is engaged in intrastate maintenance or repair work during a utility service interruption emergency.

Effective: Upon passage.

Stevenson, Lutz J, Liggett

January 13, 2004, read first time and referred to Committee on Labor and Employment.
January 22, 2004, amended, reported — Do Pass.

C o p y

January 23, 2004

Second Regular Session 113th General Assembly (2004)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type.~~

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~*this style type*~~ reconciles conflicts between statutes enacted by the 2003 Regular Session of the General Assembly.

C o p y

HOUSE BILL No. 1190

A BILL FOR AN ACT to amend the Indiana Code concerning utilities and transportation.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 8-1-8.3 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 8.3. Public Utility Employees; Utility Service Interruption Emergencies

Sec. 1. As used in this chapter, "commercial driver's license" has the meaning set forth in IC 9-13-2-29.

Sec. 2. As used in this chapter, "commercial motor vehicle" has the meaning set forth in IC 9-13-2-31.

Sec. 3. As used in this chapter, "public utility" has the meaning set forth in IC 8-1-2-1(a).

Sec. 4. As used in this chapter, "utility service interruption emergency" means an outage or interruption of utility service in Indiana, including a near term threat or occurrence of a meteorological or other condition reasonably likely to result in outages or service interruption. A utility service interruption emergency:

(1) is declared to exist within the meaning of 49 CFR 390.23 when a public utility receives:

(A) notice of or a request to respond to an outage or a service interruption; or

(B) notice of the existence of conditions reasonably likely to result in an outage or a service interruption; and

(2) continues until:

(A) the necessary maintenance or repair work is completed; and

(B) personnel used to perform necessary maintenance or repair work have returned to their respective normal work routines.

Sec. 5. As used in this chapter, "utility service vehicle" has the meaning set forth in 49 CFR 395.2.

Sec. 6. An individual who:

(1) is the holder of a commercial driver's license;

(2) is:

(A) an employee;

(B) an employee of a contractor; or

(C) an employee of a subcontractor;

of a public utility in an employment capacity in which the commercial driver's license is used; and

(3) operates a commercial motor vehicle as a utility service vehicle and engages in intrastate maintenance or repair work in response to a utility service interruption emergency;

is exempt from any regulation of the maximum hours of service that the employee may work under 49 CFR 395.

SECTION 2. **An emergency is declared for this act.**

C o p y

COMMITTEE REPORT

Mr. Speaker: Your Committee on Labor and Employment, to which was referred House Bill 1190, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 4, after "8.3." insert "**Public**".

Page 1, line 10, delete ""utility"" and insert "**"public utility"**".

Page 1, line 11, delete "IC 8-1-2-1(g)." and insert "**IC 8-1-2-1(a).**".

Page 1, line 16, delete "The" and insert "**A utility service interruption**".

Page 1, line 17, delete "begins" and insert "**is declared to exist within the meaning of 49 CFR 390.23**".

Page 1, line 17, after "a" insert "**public**".

Page 2, line 19, after "a" insert "**public**".

Page 2, delete lines 26 through 42.

Delete pages 3 through 5.

Renumber all SECTIONaS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1190 as introduced.)

LIGGETT, Chair

Committee Vote: yeas 14, nays 0.

C o p y