

1 SB289  
2 191063-2  
3 By Senator Ward  
4 RFD: Transportation and Energy  
5 First Read: 08-FEB-18

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8 SYNOPSIS: Under existing law, it is unlawful to  
9 operate tools, machinery, or equipment, or move a  
10 building within six feet of a high voltage overhead  
11 conductor of electricity unless certain safeguards  
12 are in place. In addition, cranes, derricks, power  
13 shovels, and similar equipment are required to have  
14 a warning sign posted on the equipment concerning  
15 the operation within six feet of overhead high  
16 voltage lines. Both laws are subject to criminal  
17 penalties.

18 This bill would increase the distance under  
19 both laws to 10 feet.

20 Amendment 621 of the Constitution of Alabama  
21 of 1901, now appearing as Section 111.05 of the  
22 Official Recompilation of the Constitution of  
23 Alabama of 1901, as amended, prohibits a general  
24 law whose purpose or effect would be to require a  
25 new or increased expenditure of local funds from  
26 becoming effective with regard to a local  
27 governmental entity without enactment by a 2/3 vote

1 unless: it comes within one of a number of  
2 specified exceptions; it is approved by the  
3 affected entity; or the Legislature appropriates  
4 funds, or provides a local source of revenue, to  
5 the entity for the purpose.

6 The purpose or effect of this bill would be  
7 to require a new or increased expenditure of local  
8 funds within the meaning of the amendment. However,  
9 the bill does not require approval of a local  
10 governmental entity or enactment by a 2/3 vote to  
11 become effective because it comes within one of the  
12 specified exceptions contained in the amendment.

13  
14 A BILL  
15 TO BE ENTITLED  
16 AN ACT  
17

18 To amend Sections 37-8-52 and 37-8-53 of the Code of  
19 Alabama 1975, prohibiting the operation of certain equipment  
20 within a certain distance from high voltage overhead  
21 conductors of electricity and requiring the posting of warning  
22 signs on certain equipment concerning the operation of certain  
23 equipment near overhead high voltage electric lines and  
24 providing criminal penalties; to increase the distance where  
25 operation of the equipment is prohibited and to revise the  
26 warning signs required on equipment accordingly; and in  
27 connection therewith would have as its purpose or effect the

1 requirement of a new or increased expenditure of local funds  
2 within the meaning of Amendment 621 of the Constitution of  
3 Alabama of 1901, now appearing as Section 111.05 of the  
4 Official Recompilation of the Constitution of Alabama of 1901,  
5 as amended.

6 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

7 Section 1. Sections 37-8-52 and 37-8-53 of the Code  
8 of Alabama 1975, are amended to read as follows:

9 "§37-8-52.

10 "(a) No person shall either personally or through an  
11 employee or agent, or as an employee or agent of another, use,  
12 operate, place, erect, l or move any tools, machinery,  
13 equipment, apparatus, l or material, or move any building or  
14 other structure or any part thereof within ~~six~~ 10 feet of a  
15 high voltage overhead conductor of electricity except where  
16 ~~such~~ the person has arranged effectively to safeguard against  
17 danger of accidental contact with ~~such~~ the high voltage  
18 overhead conductor of electricity by ~~either~~ any of the  
19 following:

20 "(1) The erection of mechanical barriers which shall  
21 prevent physical contact with ~~such~~ the high voltage overhead  
22 conductor~~7~~ .

23 "(2) Deenergizing ~~such~~ the high voltage overhead  
24 conductor and grounding the same~~7~~ or.

25 "(3) Temporary or permanent relocation of ~~such~~ the  
26 high voltage overhead conductor.

1           "(b) Only in the case of compliance with one or more  
2 of the above safety measures, after the negotiation of  
3 mutually agreeable arrangements with the owner or operator of  
4 ~~such the~~ high voltage overhead conductor, may the ~~six-foot~~  
5 10-foot clearance requirement be reduced. In no event shall  
6 the provisions of this section be construed to permit any  
7 contact being made with high voltage overhead conductors and  
8 their supports, whether energized or not. The required  
9 ~~six-foot~~ 10-foot clearance shall not be provided by impressing  
10 strains, by attachment or otherwise, upon the conductors or  
11 their supporting structures or upon their appurtenances or  
12 associated equipment.

13           "(c) Each person who fails to comply with or who  
14 violates the provisions of this section shall be guilty of a  
15 misdemeanor and, upon conviction, shall be punished by a fine  
16 not exceeding ~~\$500.00~~ five hundred dollars (\$500) or  
17 imprisonment not exceeding 12 months, or both.

18           "(d) For the purposes of this section, the following  
19 terms shall have the following meanings:

20           "(1) HIGH VOLTAGE. A voltage in excess of 750 volts,  
21 measured between conductors or measured between the conductor  
22 and the ground.

23           "(2) OVERHEAD CONDUCTOR. Any electrical conductor,  
24 ~~(either bare or covered)~~, installed above the ground, except  
25 ~~such~~ conductors ~~as~~ that are enclosed in iron pipe or other  
26 metal covering of equal strength.

27           "§37-8-53.

1           "Whoever operates or employs any person to operate  
2 any crane, derrick, power shovel, drilling rig, pile driver,  
3 or like apparatus, any part of which is capable of vertical,  
4 lateral, or swinging motion, without there being posted and  
5 maintained in plain view of the operator thereof a durable,  
6 weather-resistant warning sign legible at 12 feet, reading  
7 "WARNING, unlawful to operate this equipment within ~~six~~ 10  
8 feet of overhead high voltage lines," is guilty of a  
9 misdemeanor and, upon conviction, shall be fined not more than  
10 ~~\$500.00~~ five hundred dollars (\$500) and imprisoned for not  
11 more than 12 months, or both fined and imprisoned. Each day's  
12 failure to post or maintain such a sign shall constitute a  
13 separate offense."

14           Section 2. Although this bill would have as its  
15 purpose or effect the requirement of a new or increased  
16 expenditure of local funds, the bill is excluded from further  
17 requirements and application under Amendment 621, now  
18 appearing as Section 111.05 of the Official Recompilation of  
19 the Constitution of Alabama of 1901, as amended, because the  
20 bill defines a new crime or amends the definition of an  
21 existing crime.

22           Section 3. This act shall become effective January  
23 1, 2019.