TO THE HONORABLE SENATE:

The Committee on Judiciary to which was referred Senate Bill No. 166 entitled “An act relating to utility construction worksites and consumer protection” respectfully reports that it has considered the same and recommends that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 30 V.S.A. § 208c is added to read:

§ 208c. POLE ATTACHMENTS; WORKSITE CLEANUP; CONSUMER PROTECTION

   (a) The purpose of this section is to protect the general public from harm or injury caused by unsafe practices related to utility pole attachments.

   (b) An attaching entity subject to Commission Rule 3.700 that seeks to attach lines, wires, cables, or other facilities to a utility pole shall ensure that all construction contracts for such attachments contain terms and conditions specifying standards and responsibility for the safe disposal of any debris on the construction worksite. Unless a contract specifies otherwise, the attaching entity is liable for all accidents, environmental cleanup, damages, or injuries to any person or property resulting from a failure to safely dispose of debris on the construction worksite.

   (c) In addition to any other applicable penalties or remedies, a person who violates the safety standards required by this section commits an unfair and
deceptive act in trade and commerce in violation of 9 V.S.A. § 2453. A person who sustains damages or injury as a result of such violation is a “consumer” for purposes of 9 V.S.A. chapter 63, subchapter 1.

Sec. 2. EFFECTIVE DATE; APPLICATION

This act shall take effect on passage and shall apply to all construction contracts in effect on or after the effective date of this act, and that after passage the title of the bill be amended to read: “An act relating to utility pole attachments and consumer protection”

(Committee vote: __________)

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Senator _________________

FOR THE COMMITTEE