

1 TO THE HONORABLE SENATE:

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

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

8 § 208c. POLE ATTACHMENTS; WORKSITE CLEANUP; CONSUMER
9 PROTECTION

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

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

20 (c) In addition to any other applicable penalties or remedies, a person who
21 violates the safety standards required by this section commits an unfair and

1 deceptive act in trade and commerce in violation of 9 V.S.A. § 2453. A person
2 who sustains damages or injury as a result of such violation is a “consumer”
3 for purposes of 9 V.S.A. chapter 63, subchapter 1.

4 Sec. 2. EFFECTIVE DATE; APPLICATION

5 This act shall take effect on passage and shall apply to all construction
6 contracts in effect on or after the effective date of this act.

7 and that after passage the title of the bill be amended to read: “An act
8 relating to utility pole attachments and consumer protection”

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11 (Committee vote: _____)

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Senator _____

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FOR THE COMMITTEE