

The 10-foot rule governs the distance a consumer's activities should be from any power line.

South Mississippi Electric Power Association wants to keep its customers aware of laws that could affect their safety. The "10-Foot Rule" is a term used to describe the law regarding the safe distance in which a person or piece of equipment should work from a high voltage power line. The following is a copy of the law amended July 1, 1998.
HOUSE BILL No. 1265

AN ACT TO AMEND SECTION 45-15-1, MISSISSIPPI CODE OF 1972, TO REVISE HIGH VOLTAGE POWER LINES DEFINITIONS; TO AMEND SECTION 45-15-3, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR SAFETY RESTRICTIONS; TO AMEND SECTIONS 45-15-5 AND 45-15-7, MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; TO AMEND SECTION 45-15-9, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR NOTIFICATION OF ELECTRIC UTILITIES REGARDING HIGH VOLTAGE WORK; TO AMEND SECTION 45-15-11, MISSISSIPPI CODE OF 1972, TO DESCRIBE CERTAIN PROHIBITIONS AND THE USE OF WARNING SIGNS; TO AMEND SECTION 45-15-13, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR PENALTIES AND LIABILITIES; AND FOR RELATED PURPOSES.

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

SECTION 1. Section 45-15-1, Mississippi Code of 1972, is amended as follows:
45-15-1. The following words and phrases, when used in this chapter, shall, for the purposes of this chapter, have the meanings respectively ascribed to them in this section, except in those instances, if any, where the context clearly indicates a different meaning:

(a) "High voltage" means a voltage in excess of six hundred (600) volts between conductors or from any conductor to ground.

(b) "Overhead lines" mean all bare or insulated electrical conductors installed above the ground.

(c) "Person" means a natural person, firm, partnership, association, corporation, or governmental entity.

(d) "Authorized person" means:

(i) An employee or agent of an electrical utility which generates, transmits, or delivers electricity.

(ii) An employee or agent of a utility which provides and whose work relates to communication services or state, county, or municipal agencies which have authorized circuit construction on or near the poles or structures of a utility.

(iii) An employee or agent of an industrial plant whose work relates to the industrial system of the industrial plant.

(iv) An employee or agent of a cable television or communication services company or an employee of a contractor of a cable television or communication services company if specifically authorized by the owner of the poles to make cable television or communication services attachments.

(v) An employee or agent or a rail transportation company whose work relates to the electrical systems of a rail transportation company.

(vi) An employee or agent of a state, county, or municipal electric utility or agency which has or whose work relates to overhead electrical lines, circuit construction or conductors on poles or structures of any type.

(e) "Electrical utility" means any person engaged in the generation, transmission or distribution of electricity.

(f) "Warning sign" means a weather resistant sign of not less than seven (7) inches by ten (10) inches reading as follows: "DANGER-UNLAWFUL TO OPERATE THIS EQUIPMENT NEARER THAN 10 FEET TO HIGH VOLTAGE OVERHEAD LINES."

SECTION 2. Section 45-15-3, Mississippi Code of 1972, is amended as follows:

45-15-3. Unless the procedures have been followed as provided by Section 45-15-9 and 45-15-11, Mississippi Code of 1972, to deter contact with high voltage overhead lines:

(a) No person shall individually, or through an agent or employee, perform or require any other person to perform any function or activity upon any land, building, highway or other premises if at any time during the performance of that function or activity the person performing that function or activity could be reasonably expected to move or be placed within ten (10) feet of any high voltage overhead line during the performance of any function or activity.

(b) No person shall, individually or through an agent or employee, operate or bring any mechanical equipment or hoisting equipment or any other equipment or part of any tool or material within ten (10) feet of any high voltage overhead line.

(c) The provisions of this section shall not apply to persons lawfully occupying the land where the line is located and engaged in the regular and ordinary functions and activities of farming, ranching or other agricultural pursuits.

SECTION 3. Section 45-15-5, Mississippi Code of 1972, is amended as follows:

45-15-5. No person shall permit any employee to do any of the things prohibited in Section 45-15-3.

SECTION 4. Section 45-15-7, tial means for the operator to determine and maintain the required clearance.

SECTION 5. Section 45-15-9, Mississippi Code of 1972 is amended as follows:

45-15-9. (1) If any person decides to carry on any function, activity, work or operation in closer proximity to any high voltage overhead line than permitted by this chapter, the person responsible for performing the work shall promptly notify the electric utility operating the high voltage overhead line, in writing on a form to be provided by such utility, and shall not perform the work until mutually satisfactory arrangements have been made between such electric utility and the person or business entity responsible for performing the work, to deter contact with the high voltage overhead lines as

provided in subsection (29) below, however this requirement shall not apply to persons lawfully occupying the land where the line is located and engaged in regular and ordinary functions and activities of farming, ranching or other agricultural pursuits.

(2) The person responsible for performing the work in the vicinity of the high voltage overhead lines shall, at no cost receive a written cost estimate from the utility for providing the necessary safety arrangements. If such person disagrees with the reasonableness of any written cost proposal or believes that the cost proposal calls for more work than is reasonably necessary to protect those working in close proximity of the high voltage overhead lines, the following options are available to such person:

(a) The electric utility shall be directed to commence work under protest; such person shall pay the electric utility for the work in accordance with cost proposal but shall be entitled to seek recovery of all or any part of the money paid to the electric utility in binding arbitration as is hereafter provided; or

(b) Prior to directing the work to be performed, the person responsible for performing the work in the vicinity of high voltage overhead power lines may submit to binding arbitration as is hereafter provided to resolved the issues of the reasonableness and necessity of the cost, and the description of the work to be performed by the electric utility under its written cost proposal.

(3) In the event of a disagreement between the electric utility and the person responsible for performing work in the vicinity of the high voltage overhead line regarding the reasonableness and necessity of the price or work to be performed to deter contact with high voltage overhead lines, the disputes will be submitted to binding arbitration in accordance with the procedures set forth in Section 11-15-101 through 11-15-143, Mississippi Code of 1972. The Public Service Commission shall serve as arbitrator for the purpose of this act. The demand for arbitration shall be specifically enforceable in any court of law or equity. The decision of the arbitrators as to the reasonableness and necessity of the cost of the work to be per-

formed shall be final and binding upon the parties.

(4) The electric utility shall commence arrangements as provided herein within five (5) working days of the mutual agreement, notice to proceed under protest, or the decision of the arbitrators. Once initiated, the clearance work will continue without unreasonable interruption to completion. Should the electric utility fail to provide for temporary clearances or safety measures in a timely manner as required by this chapter, the electric utility shall be liable for costs or loss of production of the person requesting assistance to work in close proximity to high voltage overhead lines. In locations where the identity of the electric utility operating the high voltage lines is not easily known, the Mississippi Public Service Commission shall, upon request, provide the name, address and telephone number of such utility for notification purposes.

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

45-15-11. No person shall operate any crane, derrick, power shovel, drilling rig, pile driver, hoisting equipment or similar apparatus, or any part thereof, which could be brought within ten (10) feet of any high voltage overhead line, unless:

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

(i) Within the equipment readily visible to the operator of such equipment when at the controls of such equipment

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

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

(c) A person is designated to observe clearance of the equipment from any nearby high voltage overhead lines and to give timely warning for all operations where it is difficult by visual

means for the operator to determine and maintain the required clearance.

SECTION 7. Section 45-15-13, Mississippi Code of 1972, is amended as follows:

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

(2) There is hereby created a right of action on behalf of any electric utility which is required to pay any sum for injury or death of any person resulting from the contact with a high-voltage overhead line against any person whose negligence is a proximate contributing cause of such injury and death for that portion of any non-agreed judgment for damages rendered against and paid by the electric utility and attributable to the negligence of such person, however, the electric utility may not recover any portion of such sum which is attributable to its own negligence. The right of action created hereby shall not be available against persons who comply with the divisions of this chapter, and violations of this chapter shall not be considered negligence per se but may be considered as evidence of negligence.

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

(4) Other than an electric utility filing a claim under this act, nothing contained herein shall be construed to alter, amend or expand in any way the provisions of Section 71-3-9, Mississippi Code of 1972, as to an employee, his legal representative, husband or wife, parents, dependents, next of kin or anyone other-

wise entitled to recover damages at common-law, or otherwise from such employer on account of such injury or death.

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

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

SECTION 8. Each section of this chapter, and every part of each section, is hereby declared to be independent, and any court holding that any section or part thereof is void, ineffective or unconstitutional for any cause, shall not affect the other sections or parts thereof, and it is now declared that the other sections or parts of sections would have been enacted regardless of any section or parts of sections which might be held unconstitutional, inoperative or ineffective.

SECTION 9. This act shall take effect and be in force from and after July 1, 1988.