

By: Dean

H.B. No. 3213

A BILL TO BE ENTITLED

AN ACT

relating to excavation for the installation of buried fiber-optic cable.

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

SECTION 1. Section 251.151, Utilities Code, is amended by adding Subsections (d) and (e) to read as follows:

(d) A person who intends to excavate for the purpose of installing fiber-optic cable infrastructure shall provide a map of the proposed fiber-optic cable infrastructure to:

(1) a municipality if the excavation will take place in a right-of-way of the municipality; and

(2) a county if the excavation will take place in a right-of-way of the county.

(e) The map required by Subsection (d) must be provided to the municipality or county before the date the excavation begins. A municipality or county may prescribe the format of the map and the geographic area that must be included in the map.

SECTION 2. Sections 251.201(a), (b), and (c), Utilities Code, are amended to read as follows:

(a) An excavator that violates Section 251.151, 251.152, or 251.159 is liable for a civil penalty of not less than \$2,000 [~~\$500~~] or more than \$5,000 [~~\$1,000~~]. If a county attorney or district attorney decides not to bring an action to recover the civil penalty, the board of directors of the corporation may, in

1 accordance with Section 251.2011, give the excavator a warning
2 letter and require the excavator to attend a safety training course
3 approved by the board. The county attorney or district attorney
4 shall notify the board of its decision.

5 (b) Except as provided by Subsection (b-1), if it is found
6 at the trial on a civil penalty that the excavator has violated this
7 chapter and has been assessed a penalty under this section or has
8 received a warning letter from the board one other time before the
9 first anniversary of the date of the most recent violation, the
10 excavator is liable for a civil penalty of not less than \$5,000
11 [~~\$1,000~~] or more than \$8,000 [~~\$2,000~~].

12 (c) Except as provided by Subsection (c-1), if it is found
13 at the trial on a civil penalty that the excavator has violated this
14 chapter and has been assessed a penalty under this section at least
15 two other times before the first anniversary of the date of the most
16 recent violation, or has been assessed a penalty at least one other
17 time before the first anniversary of the date of the most recent
18 violation and has received a warning letter from the board during
19 that period, the excavator is liable for a civil penalty of not less
20 than \$8,000 [~~\$2,000~~] or more than \$10,000 [~~\$5,000~~].

21 SECTION 3. The heading to Subchapter E, Chapter 251,
22 Utilities Code, is amended to read as follows:

23 SUBCHAPTER E. PENALTIES AND REMEDIES

24 SECTION 4. Subchapter E, Chapter 251, Utilities Code, is
25 amended by adding Section 251.204 to read as follows:

26 Sec. 251.204. CIVIL LIABILITY. (a) An excavator whose
27 excavation results in damage to an underground facility owned by a

1 municipality or a county is liable to the owner or operator of the
2 underground facility for damages arising from that conduct.

3 (b) It is not a defense to liability under this section that
4 a county attorney or district attorney declined to bring an action
5 against the excavator to recover a civil penalty under Section
6 251.201 for the conduct that is alleged to give rise to liability
7 under this section.

8 (c) Venue for a civil action brought under this section is
9 determined on the same basis as the venue for a proceeding under
10 Section 251.201(e).

11 (d) A civil action under this section is in addition to any
12 other procedure or remedy provided by law, including Section
13 251.201.

14 SECTION 5. Section 251.204, Utilities Code, as added by
15 this Act, applies only to a cause of action that accrues on or after
16 the effective date of this Act.

17 SECTION 6. This Act takes effect September 1, 2025.