

HOUSE BILL NO. 337
INTRODUCED BY R. RIPLEY

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THAT THE EXPENSE OF MOVING UTILITY WIRES AND POLES WHEN RELOCATING A STRUCTURE MUST BE PAID BY THE PERSON, FIRM, OR CORPORATION MOVING THE STRUCTURE; REQUIRING PAYMENT TO THE OWNER OF THE WIRES AND POLES IN ADVANCE OF THE MOVE; AMENDING SECTIONS 69-4-602 AND 69-4-603, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

Section 1. Section 69-4-602, MCA, is amended to read:

"69-4-602. Procedure to give required notice -- prepayment. (1) The person, firm, or corporation moving any house, building, derrick, or other structure shall give the person, firm, or corporation owning or operating the wires or poles, at their principal office and their nearest office within the state, not less than 10 days' written notice of the proposed time and place of moving a structure.

(2) The owner of the wires or poles shall give the mover a written estimate of the cost of cutting, raising, or moving the wires or poles, including travel time, at least 3 days prior to the move or within 10 days after receipt of the written notice of the move, whichever time comes sooner.

(3) The estimated cost under subsection (2) must be paid to the owner of the wires and poles in advance of the move. The owner of the wires and poles may waive this prepayment requirement or accept bonding or other financial instruments in lieu of payment.

(4) (a) The person, firm, or corporation moving a house, building, derrick, or other structure that requires the raising or cutting of wires or the moving of poles shall pay the actual costs in excess of any prepayment made pursuant to subsection (3) within 45 days of the move.

(b) If the prepayment made pursuant to subsection (3) exceeds the actual costs, the owner of the wires and poles shall refund the difference to the person, firm, or corporation moving the house, building, derrick, or other structure within 45 days of the move."

Section 2. Section 69-4-603, MCA, is amended to read:

"69-4-603. Procedure to accomplish move. (1) In order to accomplish moving a house, building,

derrick, or other structure through an area in which utility ~~poles or wires~~ or poles impede the movement, it is the ~~duty of~~ the person, firm, or corporation ~~who~~ that owns or controls the ~~poles or wires~~ or poles and who has received the notice required by 69-4-602 to shall furnish competent workers to raise or cut the wires or move the poles as necessary to facilitate moving the house, building, derrick, or other structure.

~~(2) The necessary and reasonable expense of raising or cutting the wires or of moving the poles for utilities subject to the jurisdiction of the public service commission must be fixed and determined by the public service commission on the average cost per line or pole for time and materials expended. These costs and expenses must be reviewed biennially. Except as provided in subsections (4) and (5), the~~ The necessary and reasonable expense of raising or cutting the wires or of moving the poles must be ~~shared equally~~ paid by the person, firm, or corporation owning moving the structure and the person, firm, or corporation ~~owning or operating the wires, cables, or poles required to be moved.~~

~~(3) The rates and charges of rural cooperative electric utilities, rural cooperative telephone utilities, and other persons who occupy and use utility or cooperative poles may not exceed the charges established by the public service commission for utilities subject to its jurisdiction. The charges assessed by utilities, other than utilities subject to the jurisdiction of the public service commission, must be apportioned as provided in subsection (2).~~

~~(4)(3)~~ (a) Except as provided in subsection ~~(4)(b)~~ (3)(b), to facilitate the movement of a house, building, derrick, or other structure, the necessary and reasonable costs of raising or cutting wires or cables or moving poles to facilitate the movement must be paid by the owner of:

(i) a prefabricated structure that is intended to be moved from the place of fabrication; or
 (ii) the sixth and each subsequent structure that exceeds 25 feet in height while being moved and that is to be moved from a single site. When structures are moved in a group or in a continuous caravan formation and when only a single line cut or movement is necessary, the move must count as only a single-structure move for purposes of this subsection ~~(4)(a)(ii)~~ (3)(a)(ii). For the purposes of this subsection ~~(4)(a)(ii)~~ (3)(a)(ii), a single site includes but is not limited to a development complex, housing complex, military base, or institutional complex. The whole of an incorporated municipality is not a single site as the term is used in this subsection.

(b) The necessary and reasonable costs of raising or cutting wires or cables or moving poles to facilitate the movement of a structure by a person for occupancy by that person must be ~~shared equally~~ paid as provided in subsection (2).

~~(5)(4)~~ (a) A person, firm, or corporation ~~who owns or moves~~ moving a house, building, derrick, or other structure may not raise, cut, or in any way interfere with any ~~poles or wires~~ or poles unless the person, firm, or

corporation ~~who~~ that owns or controls the ~~poles or wires~~ or poles refuses, after having been notified as required by 69-4-602, to raise or cut the wires or move the poles.

~~(b) When the person who owns or controls the poles or wires refuses to raise or cut the wires or move the poles, the person, firm, or corporation who owns or moves the house, building, derrick, or other structure shall ensure that only competent and experienced workers raise or cut the wires or move the poles:~~

~~———— (c) The following procedure must be followed:~~

~~———— (i) The necessary and reasonable expense incurred by the owner or mover of the house, building, derrick, or other structure as a result of raising or cutting the wires or moving the poles must be paid by the owners of the poles or wires handled:~~

~~———— (ii) The work of raising or cutting the wires or moving the poles must be done in a careful manner.~~

~~———— (iii) The poles and wires must be promptly replaced and any damage to the poles or wires must be promptly repaired."~~

NEW SECTION. **Section 3. Effective date.** [This act] is effective on passage and approval.

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