



66-1714. Penalties; presumption of negligence.

- (a) Except as provided further, every person as defined herein who violates any of the provisions of this act may be subject to a civil penalty in a sum set by the court of not more than \$1,000 for each violation. The provisions of this subsection shall not apply to a person who, at this time the act or acts occur which constitute a violation, is acting as an agent or employee under the direction of an individual, firm, joint venture, partnership, corporation, association, municipality or governmental unit.
- (b) When it is shown by evidence in a civil action that personal injury, death or other damages, including damage to any high voltage overhead line, occurred as result of a violation of this act, there shall be a violation of this act, there shall be a rebuttable presumption of negligence on the part of the violator.
- (c) Nothing in this act is intended to limit or modify the provisions of:
 - (1) K.S.A. 60-258a, and amendments thereto; or
 - (2) the national electrical safety code, which would otherwise be applicable.

66-1715. Nonapplication of act to certain situations.

This act does not apply to:

- (a) Construction, operation or maintenance by an authorized person as defined herein;
- (b) highway vehicles or agricultural equipment which in normal use may incidentally pass within the clearances prescribed by this act;
- (c) the operation or maintenance of any equipment traveling or moving upon fixed rails;
- (d) governmental entities responding to an emergency situation; or
- (e) moving buildings or structures on streets, alleys, roads and highways pursuant to K.S.A. 17-1914 et seq., and amendments thereto.

66-1716. Severability of act.

If any provision of this act or the application thereof to any person or circumstances is held invalid, the invalidity does not effect other provisions or application of this act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.



The Kansas Overhead Power Line Accident Prevention Act

The Kansas Overhead Power Line Accident Prevention Act is a statute making it illegal for an unauthorized person or entity to work or bring equipment within 10 feet of a high voltage overhead line that has not been covered or de-energized. The purpose of The Kansas Overhead Power Line Accident Prevention Act is to ensure the safety of the public when working around power lines. The full text of The Kansas Overhead Power Line Accident Prevention Act is set out below. If you have any questions about your responsibilities under the Act, please immediately contact KCP&L at **(816) 471-5275**.

66-1709. Citation of act

This act may be cited and shall be known as the overhead power line accident prevention act.

66-1710. Definitions

As used in this act:

(a) **“Authorized person”** means:

- (1) An employee of a public utility or an employee of a contractor which has been authorized by a public utility to perform construction, operation or maintenance on or near the poles or structures of any utility;
- (2) An employee of a cable television or communication services company or an employee of a contractor authorized to make cable television or communication service attachments; or
- (3) An employee of the state or a county or municipality which has authorized circuit construction, operation or maintenance on or near the poles or structures of a public utility.

(b) **“High voltage”** means electricity in excess of 600 volts measured between conductors or between a conductor and the ground.

- (c) **“Overhead lines”** means all electrical conductors installed above ground.
- (d) **“Person”** means an individual, firm, joint venture, partnership, corporation, association, municipality or governmental unit which contracts to perform any function or activity upon any land, building, highway or other premises in proximity to an overhead line.
- (e) **“Public utility”** means and includes those entities defined in K.S.A. 66-104, and amendments thereto, municipally owned electrical systems and electric cooperatives as defined in K.S.A. 17-4601 et seq., and amendments thereto.

66-1711. Prohibition against certain acts; exception.

Unless danger against contact with high voltage overhead lines has been guarded against as provided by K.S.A. 66-1712, no person, individually or through an agent or employee, shall store, operate, erect, maintain, move or transport any tools, machinery, equipment, supplies or materials, within 10 feet of any high voltage overhead line, or perform or require any other person to perform any function or activity if at any time during the performance thereof it is reasonably foreseeable that the person performing the function or activity could move or be placed within 10 feet of any high voltage overhead line.

66-1712. Notification to public utility of prohibited acts; costs incurred by public utility charged to person responsible for activity, disagreement, arbitration.

- (a) When any person desires to carry out temporarily any function or activity in closer proximity to any high voltage overhead line than is permitted by this act, the person or persons responsible for the function or activity shall notify the public utility which owns or operates the high voltage overhead line of the function or activity and shall make appropriate arrangements with the public utility for temporary barriers, temporary deenergization and grounding of the conductors, temporary rerouting of electric current or temporary relocating of the conductors before proceeding with any function or activity which would impair the clearances required by this act.
- (b) A person or persons requesting a public utility to provide temporary clearances or other safety precautions shall be responsible for payment of only those costs incurred by such utility in the temporary rerouting of electric current or the temporary relocating of the conductors. Upon request, a public utility shall provide a written cost estimate for the work needed to provide temporary rerouting of electric current or temporary relocating of the conductors. Unless otherwise agreed to, or unless circumstances require a longer period of time before work commences in order to

assure continuity of service to electric customers, a public utility shall commence work on such temporary rerouting of electric current, temporary relocating of the conductors, temporary barriers or temporary deenergization and grounding of the conductors as may be appropriate, within seven working days after such notification has been made in accordance with subsection (a) of K.S.A. 66-1712.

- (c) If a person requesting a public utility to provide temporary rerouting of electric current or the temporary relocating of the conductors disagrees with the reasonableness of the written costs estimate or the description of the work to be performed, the following options are available to such person:
 - (1) Such person under protest may pay the utility for the work in accordance with the written cost estimate, but shall be entitled to seek recovery of all or any part of the money so paid in an arbitration proceeding as hereinafter provided; or
 - (2) Prior to directing the work to be performed, the person or persons may submit to binding arbitration, as hereinafter provided, to resolve the issue of the reasonableness of the written cost estimate or the description or extent of the work to be performed by the public utility under such estimate.
- (d) Disputes submitted to binding arbitration under this section shall be submitted in accordance with the procedures set forth in K.S.A. 5-401 et seq., and amendments thereto. The decision of the arbitrator or arbitrators as to the reasonableness of the costs or the necessity of the work to be performed shall be final and binding upon the parties.

66-1713. Posted of required warning signs. Each person, individually or through an agent or employee, or as an agent or employee, who operates any crane, derrick, power shovel, drilling rig, hoisting equipment, or similar apparatus, any part of which is capable of operating in closer proximity to any high voltage overhead line than is permitted by this act, shall post and maintain in plain view of the operator thereof, a durable warning sign, legible at 12 feet, stating:

“Unlawful to operate this equipment within 10 feet of high voltage overhead lines unless protected from contact danger.”

Each day’s failure to post or maintain such signs shall constitute a separate violation.