

§761. Exemptions

1. Overhead electrical; communication circuits; conductors. This chapter does not apply to any person while engaged in the construction, reconstruction, operation and maintenance of overhead electrical or communication circuits or conductors and their supporting structures and associated equipment, if the person is an employee of the owner or operator of the overhead electrical or communication circuits or conductors or an independent contractor engaged on behalf of the owner or operator of the overhead electrical or communication circuits or conductors, including, but not limited to, employees of and independent contractors working for the following:

- A. Any business operating rail transportation systems; [PL 1995, c. 348, §1 (NEW).]
- B. Any business operating electrical generating, transmission or distribution systems; [PL 1995, c. 348, §1 (NEW).]
- C. Any business operating communication systems; or [PL 1995, c. 348, §1 (NEW).]
- D. Any business operating cable television systems. [PL 1995, c. 348, §1 (NEW).]

[PL 1995, c. 348, §1 (NEW).]

2. Agricultural activities. The provisions of sections 756 and 757 do not apply to a person operating agricultural equipment for agricultural purposes. If the equipment is likely to be routinely brought within 10 feet of an overhead high-voltage line, the owner or operator of the equipment must in each calendar year, prior to using the equipment, provide the owner or operator of the high-voltage line with the information required in section 757, subsection 2.

[PL 1995, c. 348, §1 (NEW).]

3. Water and sewer system operators. This chapter does not apply to any employee or independent contractor engaged on behalf of:

- A. A water utility; [PL 1995, c. 348, §1 (NEW).]
- B. A sewer district or sanitary district; or [PL 1995, c. 348, §1 (NEW).]
- C. A municipal sewer department. [PL 1995, c. 348, §1 (NEW).]

[PL 1995, c. 348, §1 (NEW).]

4. State agencies; quasi-independent state agencies; municipalities. The provisions of sections 756 and 757 do not apply to the installation or maintenance of traffic lighting by an employee of a state agency, quasi-independent state agency or municipality or by a person performing the installation or maintenance on behalf of a state agency, quasi-independent state agency or municipality. Nothing in this subsection exempts a person installing or maintaining traffic lighting from any applicable training certification or licensing requirements for performing the installation or maintenance, and the installation or maintenance must be performed in accordance with all applicable federal, state and local laws, regulations, safety codes and ordinances and any other applicable safety requirements. A municipality or a contractor working for a municipality must maintain any minimum insurance requirements specified by the Department of Transportation. For purposes of this subsection, "quasi-independent state agency" has the same meaning as in Title 5, section 12021, subsection 5.

[PL 2015, c. 177, §3 (NEW).]

SECTION HISTORY

PL 1995, c. 348, §1 (NEW). PL 2015, c. 177, §3 (AMD).

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