

2021 Regular Session

HOUSE BILL NO. 69

BY REPRESENTATIVE MCKNIGHT

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

UTILITIES: Provides relative to underground utilities

1 AN ACT

2 To amend and reenact R.S. 40:1749.13(B)(4) and (D) and to enact R.S. 40:1749.14(C)(4),  
3 relative to underground utilities; to provide for excavation and demolition; to provide  
4 for notice; to provide for electronic drawings; to provide for physical markings; to  
5 provide for limitations; to provide for positive response; to provide for effectiveness;  
6 and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 40:1749.13(B)(4) and (D) are hereby amended and reenacted and  
9 R.S. 40:1749.14(C)(4) is hereby enacted to read as follows:

10 §1749.13. Excavation and demolition; prohibitions

11 \* \* \*

12 B.

13 \* \* \*

14 (4) Notice shall be given and shall include a specific location request for  
15 excavation or demolition work to be performed at least forty-eight hours, but not  
16 more than one hundred twenty hours, excluding weekends and holidays, in advance  
17 of actual work commencement. Holidays shall consist of the following: New Year's  
18 Day; Good Friday; Memorial Day; Independence Day; Labor Day; Thanksgiving  
19 Day; Christmas Eve; and Christmas Day, or the days on which those holidays are  
20 observed by the state. The marking of an operator's facility or utility shall be

1 provided for excavation or demolition purposes only. The excavator or demolisher  
2 shall provide the specific location for excavation or demolition with notice or  
3 physically mark the route or area of excavation or demolition using color coded  
4 paint, flags, stakes, or similar means under American Public Works Association  
5 guidelines prior to submitting notice.

6 \* \* \*

7 D. ~~Excavators may use white paint as marking under American Public~~  
8 ~~Works Association guidelines.~~ For purposes of this Section, any physical markings  
9 or electronic drawings identifying a specific location as provided for in Subsection  
10 B of this Section, shall not exceed the actual area of excavation or demolition.  
11 Electronic drawings will take precedent over physical markings.

12 §1749.14. Regional notification center

13 \* \* \*

14 C.

15 \* \* \*

16 (4) Should an underground utility or facility operator determine that its  
17 underground facilities are not in conflict with the location of the request or determine  
18 that its underground facilities are not fully marked for locating purposes, a  
19 notification shall be sent to the excavator prior to the mark-by time. A notification  
20 to the regional notification center that generated the location request shall suffice for  
21 compliance with this Section as it pertains to positive response.

22 \* \* \*

23 Section 2. This Act shall become effective on January 2, 2022.

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DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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HB 69 Original

2021 Regular Session

McKnight

**Abstract:** Implements notification procedures relative to excavation and demolition.

Present law requires excavators and demolishers to provide notice prior to excavating or demolishing.

Proposed law retains present law.

Present law requires the notice given to include a specific location request for excavation or demolition work to be performed at least 48 hours, but not more than 120 hours, in advance of the work commencing.

Proposed law retains present law and adds the requirement that the excavator or demolisher provide the specific location for excavation or demolition with notice or physically mark the route or area of excavation or demolition.

Proposed law provides guidelines for making physical markings.

Present law allows excavators to use white paint as marking under current guidelines.

Proposed law deletes present law.

Proposed law requires that any physical markings or electronic drawings do not exceed the actual area of excavation or demolition.

Proposed law provides that electronic drawings take precedent over physical markings.

Proposed law requires an underground utility or facility operator to notify the excavator, if it is determined that its underground facilities are not in conflict with the location of the request or that its facilities are not fully marked for locating purposes.

Proposed law requires the notification to be given prior to the mark-by time.

A notification to the regional notification center that generated the location request shall suffice for compliance with proposed law, as it pertains to positive response.

Eff. Jan. 2, 2022.

(Amends R.S. 40:1749.13(B)(4) and (D); Adds R.S. 40:1749.14(C)(4))