

2025 Regular Session

HOUSE BILL NO. 392

BY REPRESENTATIVE ST. BLANC

1 AN ACT

2 To amend and reenact R.S. 40:1749.12(11) and 1749.13(B)(1) and (E)(1) and (7) and to
3 enact R.S. 40:1749.13(B)(6), relative to the Louisiana Underground Utilities and
4 Facilities Damage Prevention Law; to provide for definitions; to provide for
5 procedure of excavations and demolitions; to require certain training; to provide
6 relative to conflict in large project excavations; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 40:1749.12(11) and 1749.13(B)(1) and (E)(1) and (7) are hereby
9 amended and reenacted and R.S. 40:1749.13(B)(6) is hereby enacted to read as follows:

10 §1749.12. Definitions

11 As used in this Part, the following terms have the meanings ascribed to them
12 in this Section:

13 * * *

14 (11) "Large project excavation or demolition" means excavation or
15 demolition activity within a contiguous area that cannot reasonably be completed
16 ~~within the requirements of R.S. 40:1749.13(B)(2)~~ twenty calendar days for routine
17 demolition or excavation or within thirty calendar days for agricultural, forestry, or
18 marine excavation or demolition activity.

19 * * *

20 §1749.13. Excavation and demolition; prohibitions

21 * * *

22 B.(1) Except as provided in R.S. 40:1749.15, prior to any excavation or
23 demolition, each excavator or demolisher shall serve telephonic or electronic notice
24 of the intent to excavate or demolish to the regional notification center or centers

1 serving the area in which the proposed excavation or demolition is to take place.
 2 Such notice shall be given to the notification center at least forty-eight hours, but not
 3 more than one hundred twenty hours, excluding weekends and holidays, in advance
 4 of the commencement of any excavation or demolition activity. ~~Furthermore,~~
 5 ~~excavation or demolition activities shall commence not more than one hundred~~
 6 ~~twenty hours past the mark-by time.~~ If an excavation or demolition does not
 7 commence within one hundred twenty hours of the mark-by-time, not counting
 8 weekends and holidays, the excavator or demolisher shall be found in violation of
 9 this Section, except in the case of mutual agreement with the facility owner or
 10 operator to extend the time or extraordinary circumstances. Extraordinary
 11 circumstances are circumstances which make it impractical or impossible for the
 12 excavator or demolisher to comply with the provisions of this Part due to
 13 weather-related events, equipment malfunction or failure, or unavailability of vital
 14 supplies and equipment. Holidays shall consist of the following: New Year's Day;
 15 Martin Luther King, Jr. Day; Good Friday; Memorial Day; Independence Day; Labor
 16 Day; Thanksgiving Day; Christmas Eve; and Christmas Day.

17 * * *

18 (6) At least one person on any underground or submerged excavation or
 19 demolition site shall have proof of completion of the training and education provided
 20 by the Regional Notification Center. Training is required on an annual basis through
 21 the Regional Notification Center and shall be available through its website free of
 22 charge. Excavators or demolishers certified by an operator qualification program
 23 subject to Title 49, CFR, Part 192 or Part 195 shall be exempt from this requirement.

24 * * *

25 E.(1) The purpose of this Subsection is to allow for voluntary agreements in
 26 writing between operators of underground utilities or facilities and excavators and
 27 demolishers in conflict to determine the mark-by time, as well as the duration of
 28 excavation and demolition projects that cannot be reasonably completed within the
 29 time frame required for routine excavation or demolition.

30 * * *

1 (7) If a mutual agreement between ~~the operator and the excavator or~~
2 ~~demolisher~~ all parties in conflict in an area cannot be reached within thirty calendar
3 days from the date submitted to the Regional Notification Center, the large project
4 excavation or demolition notification request shall be deemed null and void, ~~and the~~
5 ~~provisions of Subsection B of this Section shall apply~~ and the requesting excavator
6 or demolisher shall cancel the large project excavation or demolition notice and
7 request a routine excavation or demolition notice in accordance with this Section.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____