
DIGEST

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HB 581 Original

2022 Regular Session

St. Blanc

Abstract: Modifies the Louisiana Underground Utilities and Facilities Damage Prevention Law to provide for unplanned utility outages, state holidays, and emergency excavation notices and response times.

Present law (R.S. 40:1749.11 et seq.) provides for the "Louisiana Underground Utilities and Facilities Damage Prevention Law".

Present law defines the term "emergency" as any crisis situation posing an imminent threat or danger to life, health, or property, requiring immediate action, and immediate action is taken. Proposed law amends "emergency" to include a situation that is the result of an unplanned utility outage. Otherwise retains the present law definition.

Present law specifies certain holidays to be observed by regional notification centers. Proposed law adds Martin Luther King, Jr. Day to the list of holidays and removes language which required holiday observation on additional days for which the state may observe.

Present law requires an excavator or demolisher to provide oral notice as soon as practicable to the regional notification center or each operator having underground utilities and facilities located in the area. Proposed law further authorizes electronic notice delivery and otherwise retains present law.

Present law requires an excavator or demolisher to give oral notice of the emergency excavation as soon as practicable to the regional notification center or each operator having underground utilities and facilities located in the area. Proposed law retains present law.

Present law requires an excavator to orally certify in the notice that the situation poses an imminent threat or danger to life, health, or property and requires immediate action and that the excavator has a crew on site. Proposed law retains present law and further requires the excavator to provide notice certification if the situation is the result of an unplanned utility outage and authorizes an owner or operator to be on site in addition to the excavator crew.

Present law provides there is a rebuttable presumption that the excavator failed to give the required notice if the excavator failed to give any notice to the regional notification center within the following time periods:

- (1) Within 4 hours of the beginning of the emergency excavation.
- (2) In the case of a gubernatorially declared state of emergency due to a tropical storm or

hurricane event, within 12 hours of the beginning of the emergency excavation within the parishes to which the emergency declaration applies.

- (3) In the case of a wildfire, within 24 hours after control of the emergency.

Proposed law changes the time frame from 4 hours of the beginning of the emergency excavation to 2 hours from the discovery of the need for an emergency excavation and changes the gubernatorially declared state of emergency from a storm or hurricane event to a weather or homeland security related event. Otherwise retains present law.

Proposed law requires the owner or operator of the underground utilities, facilities, or submerged infrastructure to respond to an emergency notice as soon as practicable under the circumstances. Provides that emergency excavation notices are valid for the duration of the emergency situation. Requires the type of work and location to remain consistent with the work described in the emergency excavation notice. Further requires a new excavation notice if the type of work and location become inconsistent with the emergency excavation notice.

(Amends R.S. 40:1749.12(6), 1749.13(B)(1), and 1749.15)