

ACT No. 52

2022 Regular Session

HOUSE BILL NO. 581

BY REPRESENTATIVE ST. BLANC

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AN ACT

To amend and reenact R.S. 40:1749.12(6), 1749.13(B)(1), and 1749.15, relative to the Louisiana Underground Utilities and Facilities Damage Prevention Law; to modify definitions to include unplanned utility outages; to provide for excavations or demolitions on certain national holidays; to authorize certain electronic notice; to modify with respect to rebuttable presumptions relative to excavators; to provide for emergency excavation notices and emergency response times; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:1749.12(6), 1749.13(B)(1), and 1749.15 are hereby amended and reenacted to read as follows:

§1749.12. Definitions

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

* * *

(6) "Emergency" means any crisis situation which poses an imminent threat or danger to life, health, or property, which requires immediate action, ~~and immediate~~ if such action is taken. The term also includes an unplanned utility outage, which requires immediate action, if such action is taken.

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1 §1749.13. Excavation and demolition; prohibitions

2 * * *

3 B.(1) Except as provided in R.S. 40:1749.15, prior to any excavation or
 4 demolition, each excavator or demolisher shall serve telephonic or electronic notice
 5 of the intent to excavate or demolish to the regional notification center or centers
 6 serving the area in which the proposed excavation or demolition is to take place.
 7 Such notice shall be given to the notification center at least forty-eight hours, but not
 8 more than one hundred twenty hours, excluding weekends and holidays, in advance
 9 of the commencement of any excavation or demolition activity. Holidays shall
 10 consist of the following: New Year's Day; Martin Luther King, Jr. Day; Good
 11 Friday; Memorial Day; Independence Day; Labor Day; Thanksgiving Day;
 12 Christmas Eve; and Christmas Day, ~~or the days on which those holidays are observed~~
 13 ~~by the state.~~

14 * * *

15 §1749.15. Emergency excavation; notice required; penalty

16 A. The notice required pursuant to R.S. 40:1749.13 shall not apply to any
 17 person conducting an emergency excavation. Oral or electronic notice of the
 18 emergency excavation shall be given as soon as practicable to the regional
 19 notification center or each operator having underground utilities and facilities located
 20 in the area and, if necessary, emergency assistance shall be requested from each
 21 operator in locating and providing immediate protection to its underground utilities
 22 and facilities.

23 B. The excavator shall ~~orally~~ certify in the notice required in Subsection A
 24 of this Section that the situation poses an imminent threat or danger to life, health,
 25 or property or is the result of an unplanned utility outage and requires immediate
 26 action and that the excavator, or owner, or operator has a crew on site.

27 C. There is a rebuttable presumption that the excavator failed to give notice
 28 as required pursuant to this Section if the excavator failed to give any notice to the
 29 regional notification center within the following time periods:

1 (1) Within ~~four hours of the beginning of the~~ two hours from the discovery
2 of the need for an emergency excavation.

3 (2) In the case of a gubernatorially declared state of emergency due to a
4 ~~tropical storm or hurricane~~ weather or homeland security-related event, within
5 twelve hours of the beginning of the emergency excavation within the parishes to
6 which the emergency declaration applies.

7 (3) In the case of a wildfire, within twenty-four hours after control of the
8 emergency.

9 D. The owner or operator of the underground utilities, facilities, or
10 submerged infrastructure shall respond to an emergency notice as soon as practicable
11 under the circumstances.

12 E. Emergency excavation notices are valid for as long as the emergency
13 situation exists. The type of work and location shall remain consistent with the work
14 described in the emergency excavation notice. If the type of work and location
15 become inconsistent with the emergency excavation notice, then a new excavation
16 notice is required.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____