

2024 Regular Session

HOUSE BILL NO. 397

BY REPRESENTATIVE ST. BLANC

1 AN ACT

2 To amend and reenact R.S. 40:1749.13(B)(2), 1749.14(C)(1)(b)(iii) and (v), and 1749.15(B),  
3 to enact R.S. 40:1749.12(20) through (22) and 1749.13(E), and to repeal R.S.  
4 40:1749.21(C) and (D), relative to the Louisiana Underground Utilities and Facilities  
5 Damage Prevention Law; to provide for definitions; to provide for excavations and  
6 demolitions; to provide for regional notification centers; to provide for emergency  
7 excavations; to remove obsolete provisions; to provide for effectiveness; and to  
8 provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 40:1749.13(B)(2), 1749.14(C)(1)(b)(iii) and (v), and 1749.15(B) are  
11 hereby amended and reenacted and R.S. 40:1749.12(20) through (22) and 1749.13(E) are  
12 hereby enacted to read as follows:

13 §1749.12. Definitions

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

16 \* \* \*

17 (20) "Large project excavation or demolition" means excavation or  
18 demolition activity that cannot reasonably be completed within the requirements of  
19 R.S. 40:1749.13(B)(2).

20 (21) "Marine excavator" means an excavator or demolisher who is  
21 performing excavation or demolition in areas such as swamps, wetlands, shallow  
22 water, waterways, rivers, bayous, bays, lakes, the sea, and arms of the sea.

1                   (22) "Routine excavation or demolition" means excavation or demolition  
 2                   activity that requires no more than twenty calendar days to be completed, and no  
 3                   more than thirty calendar days for agricultural, forestry, or marine excavation or  
 4                   demolition activity.

5                   §1749.13. Excavation and demolition; prohibitions

6   \*           \*           \*

7   B.

8   \*           \*           \*

9   (2) This notice shall contain the name, address, and telephone number of the  
 10                   person filing the notice of intent, and, if different, the person responsible for the  
 11                   excavation or demolition, the starting date, anticipated duration, and description of  
 12                   the specific type of excavation or demolition operation to be conducted, the specific  
 13                   location of the proposed excavation or demolition and a statement as to whether  
 14                   directional boring or explosives are to be used. ~~If the excavation or demolition is~~  
 15                   ~~part of a larger project, the~~ The notice shall be confined to the actual area of  
 16                   proposed excavation or demolition that will occur during the twenty-day time period  
 17                   under pursuant to R.S. 40:1749.14(C).

18   \*           \*           \*

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

24   (2) Unless hereinafter specifically excepted, all other provisions of this  
 25                   Subsection shall apply to large project excavations or demolitions.

26   (3) Upon an excavator or demolisher contacting the regional notification  
 27                   center to provide notice of excavation or demolition, the excavator or demolisher  
 28                   may request that the excavation or demolition be recognized as a large project  
 29                   excavation or demolition. At which time, the regional notification center shall notify

1 all affected underground utility and facility operators that a large project excavation  
2 or demolition request has been submitted.

3 (4) A large project excavation or demolition request shall only be submitted  
4 electronically to the regional notification center at least ten business days prior to the  
5 commencement of the excavation or demolition.

6 (5) The submission of a large project excavation or demolition request shall  
7 also include the names and contact information of any and all subcontractors of the  
8 excavator or demolisher who will be working on the project.

9 (6) Upon receipt of the large project excavation or demolition notification  
10 request, operators of underground utilities or facilities and the requesting excavator  
11 or demolisher may attempt to reach a mutual agreement in writing to determine the  
12 scope of work, the mark-by-times, and any other details of the project that the  
13 operator and excavator or demolisher mutually agree need to be included in the  
14 written agreement such as the marking schedule and additional parties to be included  
15 in the notification request. In no event shall an agreement be entered into pursuant  
16 to this Subsection for a duration of more than ninety calendar days.

17 (7) If mutual agreement between the operator and the excavator or  
18 demolisher cannot be reached, the large project excavation or demolition notification  
19 request shall be deemed null and void, and the provisions of R.S. 40:1749.13(B)  
20 shall apply.

21 §1749.14. Regional notification center

22 \* \* \*

23 C.(1) Each operator of an underground facility or utility, after having  
24 received the notification request from the regional notification center of an intent to  
25 excavate or an intent to conduct normal commercial farming operations, shall supply,  
26 prior to the proposed excavation or normal commercial farming operation, the  
27 following information to the person responsible for the excavation or normal  
28 commercial farming operation:

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(b)

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(iii) When the utility or facility operator has marked the location of underground facilities or utilities, the marking shall be deemed good as long as visible, but not longer than twenty calendar days, including weekends and holidays, from the mark-by time; unless the notice was designated as a large project excavation or demolition and a written agreement has been reached between the operator and the excavator or demolisher. However, if the proposed excavation or demolition activity could impact a pipeline located on or in water, the commissioner may extend the time period allowed for completion of the excavation or demolition. An additional notice to the regional notification center shall be given by the excavator or demolisher in accordance with the provisions of this Part when the marks are no longer visible or if the excavation or demolition cannot be completed within twenty calendar days from the mark-by time, ~~whichever occurs first.~~ for routine excavation or demolition or ninety calendar days for large project excavation or demolition.

\* \* \*

(v) In the case whereby a forestry excavator, ~~or agricultural excavator, or marine excavator~~ has requested that the utilities and facilities be marked for location, the operator of a utility or facility shall mark the area of their utilities or facilities. The markings provided by the operator shall be deemed good as long as the markings are visible or up to thirty calendar days from the time the markings were made, whichever is shorter.

\* \* \*

§1749.15. Emergency excavation; notice required; penalty

\* \* \*

B. The excavator shall certify in the notice required in Subsection A of this Section that the situation poses an imminent threat or danger to life, health, or

1 property or is the result of an unplanned utility outage and requires immediate action  
2 and that the excavator, or owner, or operator has ~~a crew~~ personnel on site.

3 \* \* \*

4 Section 2. R.S. 40:1749.21(C) and (D) are hereby repealed in their entirety.

Section 3. This Act shall become effective on January 1, 2025.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

\_\_\_\_\_  
PRESIDENT OF THE SENATE

\_\_\_\_\_  
GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_