
DIGEST

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Ponti

HB No. 868

Abstract: Makes changes to the La. Underground Utilities and Facilities Damage Prevention Law.

Present law defines "mark by time" as the date and time provided by the regional notification center by which the utility or facility operator is required to mark the location or provide information to enable an excavator or demolisher, using reasonable and prudent means, to determine the specific location of the utility or facility.

Proposed law retains present law and adds that the mark by time may be extended if mutually agreed upon and documented between the excavator and operator.

Present law requires the excavator or demolisher to wait at least 48 hours, beginning at 7:00 a.m. on the next working day, following notification before commencing any excavation or demolition activity, except in the case of an emergency or if informed by the regional notification center that no operators are to be notified.

Proposed law retains present law and provides that the parties may extend the time in present law by mutual and documented agreement by the excavator and operator.

Present law provides that each operator of an underground facility or utility, after having received the notification request from the regional notification center of an intent to excavate, shall supply, prior to the proposed excavation, the specific location and type of all of its underground utilities or facilities which may be damaged as a result of the excavation or demolition.

Proposed law retains present law and provides that if the surface over the buried or submerged line is to be removed, supplemental offset markings may be used and shall be on a uniform alignment and shall clearly indicate that the actual facility is a specific distance away.

Proposed law revises penalty provisions of the La. Underground Utilities and Facilities Damage Prevention Law, including but not limited to giving a warning for a first violation rather than a monetary civil penalty and specifying that the term "facility" in some penalty provisions refers to facilities which are related only to non-hazardous materials.

(Amends R.S. 40:1749.12(10), 1749.13(B)(5), 1749.14(C)(1)(a), 1749.20(A)(2) and (3) and (B); Adds R.S. 40:1749.20(A)(3)(e))