

With respect to the La. Underground Utilities and Facilities Damage Prevention Law, existing 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.

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

Prior law required 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.

New law provides that the parties may extend the time in prior law by mutual and documented agreement by the excavator and operator.

Existing law requires each operator of an underground facility or utility, after having received the notification request from the regional notification center of an intent to excavate, to supply, prior to the proposed excavation, certain information.

Prior law required the operator to provide 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.

New law revises prior 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.

Prior law provided for a civil penalty for any person who participates in a regional notification center and fails to mark or provide information regarding the location of underground utilities and facilities.

New law provides clarifies prior law by providing that the penalty is applicable to any person who participates in a regional notification center and fails to mark or provide information regarding the location of underground utilities and facilities used to store, transport, or convey that which is not regulated pursuant to the Hazardous Materials Information Development, Preparedness, and Response Act (R.S. 30:2361 et seq.).

Existing law provides penalty provisions for a person who is required by law to participate in a regional notification center and who fails to provide information or markings to indicate hazardous material.

Prior law provided that for a first violation, such person was subject to a civil penalty of not more than \$250.

New law changes prior law to provide that for a first violation, a warning letter will be issued.

Prior law provided that for a second violation, such person was subject to a civil penalty of not more than \$500.

New law changes prior law to provide that for a second violation, such person is subject to a civil penalty of not more than \$250.

Prior law provided that for a third violation, such person was subject to a civil penalty of not more than \$1000.

New law changes prior law to provide that for a third violation, such person is subject to a civil penalty of not more than \$500.

Prior law provided that for a fourth and each subsequent violation, such person was subject to a civil penalty of not less than \$2000 nor more than \$25,000.

New law changes prior law to provide that for a fourth violation, such person is subject to a civil penalty of not more than \$1000.

New law provides that for a fifth and each subsequent violation, such person is subject to a civil penalty of not less than \$2000 nor more than \$25,000.

Existing law provides penalty provisions for an excavator or demolisher who violates the provisions of existing law.

Prior law provided that for a first violation, such excavator or demolisher was subject to a civil penalty of not more than \$250.

New law changes prior law to provide that for a first violation, a warning letter will be issued.

Prior law provided that for a second violation of a similar nature within a two-year period from the previous violation, such excavator or demolisher was subject to a civil penalty of not more than \$500.

New law changes prior law to provide that for such second violation, the excavator or demolisher is subject to a civil penalty of not more than \$250.

Prior law provided that for a third violation of a similar nature within a two-year period from the previous violation, such excavator or demolisher was subject to a civil penalty of not more than \$1000.

New law changes prior law to provide that for such third violation, the excavator or demolisher is subject to a civil penalty of not more than \$500.

Prior law provided that for a fourth and each subsequent violation of a similar nature within a two-year period from the previous violation, such excavator or demolisher was subject to a civil penalty of not less than \$2000 nor more than \$25,000.

New law changes prior law to provide that for such fourth violation, the excavator or demolisher is subject to a civil penalty of not more than \$1000.

New law provides that for a fifth and each subsequent violation of a similar nature within a two-year period from the previous violation, such excavator or demolisher is subject to a civil penalty of not less than \$2000 nor more than \$25,000.

Effective Aug. 1, 2014.

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