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.

CODING: Words in struck through type are deletions from existing law; words underscored are additions.
§1749.13. Excavation and demolition; prohibitions

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

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§1749.15. Emergency excavation; notice required; penalty

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

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

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

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

(2) In the case of a gubernatorially declared state of emergency due to a tropical storm or hurricane weather or homeland security-related event, within twelve 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 twenty-four hours after control of the emergency.

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

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

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: ____________________

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