

RÉSUMÉ DIGEST

ACT 52 (HB 581)

2022 Regular Session

St. Blanc

Existing law (R.S. 40:1749.11 et seq.) provides for the "Louisiana Underground Utilities and Facilities Damage Prevention Law". New law retains existing law.

Existing law defines "emergency" as any crisis situation posing an imminent threat or danger to life, health, or property, requiring immediate action, and immediate action is taken. New law retains existing law but amends "emergency" to include a situation that is the result of an unplanned utility outage.

Existing law specifies certain holidays to be observed by regional notification centers. New law adds Martin Luther King, Jr. Day to the list of holidays and removes language which authorized discretionary days of holiday observation. Otherwise retains existing law.

Existing law requires an excavator or demolisher to provide oral notice of an emergency excavation as soon as practicable to the regional notification center or each operator having underground utilities and facilities located in the area. New law retains existing law and further authorizes electronic delivery of the notice.

Existing law requires an excavator to certify in the notice that the situation poses an imminent threat or danger to life, health, or property, requiring immediate action. Requires certification that the excavator has a crew on site. New law retains existing law and requires the excavator to provide certification if the situation is the result of an unplanned utility outage. Further authorizes an owner or operator to be onsite in addition to the excavator crew.

Prior law provided a rebuttable presumption that the excavator failed to give the required notice if the excavator failed to give any notice to the regional notification center within the following time periods:

- (1) Within 4 hours of the beginning of the emergency excavation.
- (2) In the case of a gubernatorially declared state of emergency due to a tropical storm or hurricane event, within 12 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 24 hours after control of the emergency.

New law changes the timeframe from within 4 hours of the beginning of the emergency excavation to within 2 hours from the discovery of the need for an emergency excavation and changes the gubernatorially declared state of emergency from a tropical storm or hurricane event to a weather or homeland security-related event.

New law requires the owner or operator of the underground utilities, facilities, or submerged infrastructure to respond to an emergency notice as soon as practicable under the circumstances. Provides that emergency excavation notices are valid for the duration of the emergency situation. Requires the type of work and location to remain consistent with the work described in the emergency excavation notice. Further requires a new excavation notice if the type of work and location become inconsistent with the emergency excavation notice.

Effective August 1, 2022.

(Amends R.S. 40:1749.12(6), 1749.13(B)(1), and 1749.15)