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**SENATE COMMITTEE AMENDMENTS**

2026 Regular Session

Amendments proposed by Senate Committee on Commerce, Consumer Protection and International Affairs to Reengrossed House Bill No. 259 by Representative Dewitt

AMENDMENT NO. 1

On page 1, line 2, after "To" delete the remainder of the line

AMENDMENT NO. 2

On page 1 delete lines 3 through 6 and insert:

"amend and reenact R.S. 40:1749.12, 1749.13(B)(6), 1749.14(C)(2) and (4), 1749.18(B)(4), and 1749.19 and to enact R.S. 40:1749.13(F) and 1749.23(B)(4), relative to the Louisiana Underground Utilities and Facilities Damage Prevention Law; to provide for regional notification centers; to provide for enforcement of excavation or demolition; to provide for notices; to provide for exemptions; to provide for terms, conditions, and definitions; and to provide for related matters."

AMENDMENT NO. 3

On page 1 delete lines 8 through 20

AMENDMENT NO. 4

Delete pages 2 and 3 and insert:

"Section 1. R.S. 40:1749.12, 1749.13(B)(6), 1749.14(C)(2) and (4), 1749.18(B)(4), and 1749.19 are hereby amended and reenacted and R.S. 40:1749.13(F) and 1749.23(B)(4) are hereby enacted to read as follows:

§1749.12. Definitions

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

(1) "Agricultural excavator" means a person who owns or operates a farm and is directly involved in the cultivation of land or crops or who raises livestock.

(2) "Clear or no conflict" means a response provided by an owner or operator of underground utilities or facilities when the owner or operator determines that its facilities or utilities are not in conflict with the proposed area of excavation.

~~(2)~~(3) "Commissioner" means the commissioner of conservation.

~~(3)~~(4) "Damage" means any defacing, scraping, gouging, breaking, cutting, or displacement of, impact upon or removal of an underground facility or utility or its means of primary support.

~~(4)~~(5) "Demolisher" means any person engaged in the act of demolishing as defined in Paragraph ~~(2)~~(6) of this Section.

~~(5)~~(6) "Demolition" means the total or partial wrecking, razing, rendering, moving, or removing of any building or structure, movable or immovable.

~~(6)~~(7) "Emergency" means any crisis situation which poses an imminent threat or danger to life, health, or property, which requires immediate action, if such action is taken. The term also includes an unplanned utility outage, which requires immediate action, if such action is taken.

~~(7)~~(8) "Excavation" or "excavate" means any operation causing movement or removal of earth, rock, or other materials in or on the ground or submerged in a marine environment that could reasonably result in damage to underground or submerged utilities or facilities by the use of powered or mechanical or manual means, including but not limited to pile driving, digging, blasting, augering, boring, back filling, dredging, compaction, plowing-in, trenching, ditching, tunneling, land-leveling, grading, and mechanical probing. "Excavation" or "excavate" shall not include manual probing, normal commercial farming operations, or any activity

1 resulting from force majeure related occurrences, including but not limited to an act  
2 of God or an act of nature.

3 ~~(8)~~(9) "Excavator" means any person who engages in excavation operations.

4 ~~(9)~~(10) "Forestry excavator" means an excavator who is a logger, prescribed  
5 burner, site preparation operator, or tree planter for commercial forestry operations.

6 ~~(10)~~(11) "Inclement weather" means weather that prohibits or impedes a  
7 worker's use of his locating equipment or causes undue risk to himself or his  
8 equipment such as lightning, heavy rain, tornadoes, hurricanes, floods, sleet, snow,  
9 or flooding conditions.

10 ~~(11)~~(12) "Large project excavation or demolition" means excavation or  
11 demolition activity within a contiguous area that cannot reasonably be completed  
12 within twenty calendar days for routine demolition or excavation or within thirty  
13 calendar days for agricultural, forestry, or marine excavation or demolition activity.

14 (13) "Locate request" means a communication between an excavator or  
15 demolisher and the regional notification center in which a request for locating  
16 underground utilities or facilities is processed.

17 ~~(12)~~(14) "Marine excavator" means an excavator or demolisher who is  
18 performing excavation or demolition in areas such as swamps, wetlands, shallow  
19 water, waterways, rivers, bayous, bays, lakes, the sea, and arms of the sea.

20 ~~(13)~~(15) "Mark-by time" is the date and time provided by the regional  
21 notification center by which the utility or facility operator is required to mark the  
22 location or provide information to enable an excavator or demolisher, using  
23 reasonable and prudent means, to determine the specific location of the utility or  
24 facility as provided for in R.S. 40:1749.14(D). The mark-by time may be extended  
25 if mutually agreed upon and documented between the excavator and operator.

26 ~~(14)~~(16) "Normal commercial farming operations" means the following  
27 operations or activities for agriculture cultivation purposes:

28 (a) Operations or activities that do not encroach upon a private utility or  
29 pipeline servitude, public right-of-way, or a public franchise area.

30 (b) Operations or activities that do encroach upon a private utility or pipeline  
31 servitude and the depth of the excavation is less than twelve inches in the soil below  
32 the existing surface grade.

33 ~~(15)~~(17) "Operator" means any person who owns or operates a public or  
34 private underground facility or utility which furnishes a service or material or stores,  
35 transports, or transmits electric energy, steam, oil, gases, natural gas, gas, mixture  
36 of gases, petroleum, petroleum products, hazardous or flammable fluids, toxic or  
37 corrosive fluids/gases, including telephone or telegraph system, fiber optic electronic  
38 communication systems, or water or water systems, or drainage, sewer systems, or  
39 traffic control systems or other items of like nature.

40 ~~(16)~~(18) "Person" means an individual, firm, partnership, association, limited  
41 liability company, corporation, joint venture, municipality, governmental agency,  
42 political subdivision, or agent of the state or any legal representative thereof.

43 ~~(17)~~(19) "Pipeline" means all intrastate and interstate pipeline facilities  
44 defined by 49 CFR 192.3 and 49 CFR 195.2.

45 (20) "Positive response" means once a facility owner or facility operator  
46 marks the location of existing facilities in the proposed excavation area or  
47 determines that excavation or demolition is not in conflict with any existing  
48 underground facilities, the facility owner or facility operator then notifies the  
49 excavator of the status of the location request ticket by appropriate response through  
50 the regional notification center's positive response system.

51 ~~(18)~~(21) "Regional notification center" means any one of the following:

52 (a) An entity designated as nonprofit by the Internal Revenue Service under  
53 Section 501(c) of the Internal Revenue Code and which is organized to protect its  
54 members from damage and is certified by the Department of Public Safety and  
55 Corrections in accordance with this Part.

56 (b) An organization of operators, consisting of two or more separate operators  
57 who jointly have underground utilities or facilities in three or more parishes in  
58 Louisiana, which is organized to protect its own installation from damage and has  
59 been certified by the Department of Public Safety and Corrections in accordance  
60 with this Part.

61 (c) An operator who has underground utilities or facilities in a majority of  
62 parishes in Louisiana and is organized to protect its own installation from damage,

1 and has been certified by the Department of Public Safety and Corrections in  
2 accordance with this Part.

3 ~~(19)~~(22) "Routine excavation or demolition" means excavation or demolition  
4 activity that requires no more than twenty calendar days to be completed, and no  
5 more than thirty calendar days for agricultural, forestry, or marine excavation or  
6 demolition activity.

7 ~~(20)~~(23) "Service line or lines" means underground facilities or utilities  
8 which provide power, gas, natural gas, communication, or water capabilities to a  
9 building or structure or buildings or group of structures.

10 (24) "Ticket" means the notification sent by the regional notification center  
11 to any owner or operator who has a facility located within the proposed area of  
12 excavation.

13 (25) "Ticket number" means a unique identification number assigned by the  
14 regional notification center to each locate request.

15 ~~(21)~~(26) "Underground facility or utility" means any pipe, conduit, duct,  
16 wire, cable, valve, line, fiber optic equipment, or other structure which is buried or  
17 placed below ground or submerged for use in connection with storage, conveyance,  
18 transmission, or protection of electronics communication system, telephone or  
19 telegraph system, or fiber optic, electric energy, oil, natural gas, gas, gases, steam,  
20 mixture of gases, petroleum, petroleum products, hazardous or flammable  
21 fluids/gases, toxic or corrosive fluids/gases, hazardous fluids/gases, or other  
22 substances of like nature or water or water systems, sewer systems or traffic,  
23 drainage control systems, or other items of like nature.

24 ~~(22)~~(27) "Wildfire" means an uncontrolled combustion of natural vegetation.  
25 §1749.13. Excavation and demolition; prohibitions

26 \* \* \*  
27 B.(1) \* \* \*

28 (6) At least one person on any underground or submerged excavation or  
29 demolition site shall have proof of completion of the training and education provided  
30 by the Regional Notification Center. Training is required on an annual basis through  
31 the Regional Notification Center and shall be available through its website free of  
32 charge. Excavators or demolishers engaged in logging operations, or those who have  
33 been certified by an operator qualification program subject to Title 49, CFR; Part 192  
34 or Part 195, shall be exempt from this requirement.

35 \* \* \*  
36 F.(1) The provisions of this Subsection shall apply only to excavation  
37 activities performed in connection with broadband development projects funded in  
38 whole or in part through the Broadband Equity, Access, and Deployment (BEAD)  
39 Program.

40 (2) Prior to commencing excavation on a BEAD-funded broadband project,  
41 an excavator shall provide not less than thirty days advance notice to all operators  
42 with underground facilities located in the proposed project area by utilizing the  
43 regional notification center's large project excavation or demolition locate request.

44 (3) After providing thirty days advanced notice, but prior to the requirements  
45 of Subsection (B) of this Section, the excavator or demolisher and the operator  
46 having facilities within the excavation project area shall attempt in good faith to  
47 enter into a mutual written agreement that shall determine the scope of work, the  
48 mark-by-times, and any other project-specific coordination requirements. The  
49 agreement shall not be unreasonably withheld, conditioned, or delayed. In the event  
50 the parties are unable to reach a mutual written agreement, excavation shall not be  
51 delayed on that basis alone. The operator may comply with either of the following:

- 52 (a) The standard marking requirements and timelines set forth in this Chapter.
- 53 (b) At the operator's election, any marking schedule or coordination  
54 agreement already agreed to by other operators for the same excavation project.
- 55 Nothing in this Section shall relieve any party of its obligations under this Chapter.

56 (4) Each executed written agreement shall be electronically uploaded by the  
57 excavator or demolisher to the regional notification center and attached to the  
58 applicable large project excavation or demolition ticket. The written agreement shall  
59 be available at the excavation site for inspection.

60 (5) If facility markings are not visible at the time excavation is to commence,  
61 and no positive response has been provided by the operator with any underground  
62 utility or facility in conflict in the proposed area of excavation, the excavator shall

1 not begin excavation until documented notice is made to the operator of the  
2 underground utility or facility. The operator shall have three hours from the time  
3 documented notice is made to either mark the facility or provide a positive response  
4 that there is no conflict. If the operator fails to respond within three hours of the  
5 documented notice, the excavation may commence with the excavator or demolisher  
6 exercising due care to protect any underground utility or facility within the area of  
7 excavation.

8 (6) Any excavator or demolisher performing excavation activities in the  
9 public right-of-way pursuant to a BEAD-funded broadband project shall display, at  
10 the excavation site, signage identifying the excavator, demolisher or their agents or  
11 contractors, the broadband service provider for whom the work is being performed,  
12 and a telephone number or email address for project inquiries.

13 (7) Each project shall comply with the provisions of this Part.

14 (8) The provisions of this Subsection shall terminate on August 1, 2030.

15 §1749.14. Regional notification center

16 \* \* \*

17 C.(1)

17 \* \* \*

18 \* \* \*

19 (2)If the operator does not visibly mark the location of these utilities or  
20 facilities, the operator shall provide information to enable an excavator using  
21 reasonable and prudent means to determine the approximate location of the utility  
22 or facility including, but not limited to, written or electronic information in the form  
23 of maps, drawings, or GPS coordinates showing any potential conflicts within the  
24 area of planned excavation. The information provided by the operator shall include  
25 a contact person and a specific telephone number for the excavators to call. After the  
26 operator has received the notification request, the information on location, size, and  
27 type of underground utility or facility must be provided by the operator to the  
28 excavator prior to excavation.

29 \* \* \*

30 ~~(4) Should an underground utility or facility operator determine that its~~  
31 ~~underground facilities are not in conflict with the location of the request or determine~~  
32 ~~that its underground facilities are not fully marked for locating purposes, a~~  
33 ~~notification shall be sent to the excavator prior to the mark-by time. A notification~~  
34 ~~to the regional notification center that generated the location request shall suffice for~~  
35 ~~compliance with this Section as it pertains to positive response A facility operator~~  
36 ~~shall provide a positive response through the regional notification center before~~  
37 ~~expiration of the time allowed for marking. The response shall indicate whether the~~  
38 ~~operator's facilities are present and marked, not present, or that additional time is~~  
39 ~~required.~~

40 \* \* \*

41 §1749.18. Certification of a regional notification center by Department of Public  
42 Safety and Corrections

43 \* \* \*

44 B. For the purposes of promoting cost effectiveness, ease of use, safety, and  
45 the protection of property, workmen, and citizens from damage, injury, and death,  
46 the rules and regulations shall include but not be limited to requirements that any  
47 regional notification center, that is either certified or that applies for certification  
48 pursuant to the provisions of this Chapter, shall have and maintain the following:

49 \* \* \*

50 (4)(a) Specifically defined geopolitical services areas that are coterminous  
51 with parish boundaries and do not overlap any other defined service area.

52 (b) The provisions of this Paragraph shall apply only to those regional  
53 notification centers described in R.S. 40:1749.12~~(13)(a)~~(21)(a).

54 \* \* \*

55 §1749.19. Voluntary participation by incorporated municipalities and parish  
56 governments

57 ~~A.~~ Each incorporated municipality or parish government that operates under  
58 a home rule charter that was adopted prior to January 1, 1958, which owns or  
59 operates, in its own right or through a special district or districts created pursuant to  
60 constitutional, home rule, or statutory authority, a drainage system, a sewer system,  
61 drainage, water or water system, telephone or telegraph, fiber optic, electronics  
62 equipment system, traffic control system, or an electrical energy system and/or a gas

1 ~~or natural gas system underground facility within its local jurisdiction which would~~  
 2 ~~otherwise be included in R.S. 40:1749.14, and which does not desire to be so~~  
 3 ~~included, shall adopt an ordinance indicating this desire by adopted an ordinance on~~  
 4 ~~or before December 31, 1998, indicating its desire to be excluded from the~~  
 5 ~~provisions of R.S. 40:1749.14 shall be exempt from the requirements of R.S.~~  
 6 ~~40:1749.14. This exemption shall apply to all such systems that are owned or~~  
 7 ~~operated by the incorporated municipality or parish government in its own right or~~  
 8 ~~through a special district or districts, including those systems existing at the time that~~  
 9 ~~the incorporated municipality or parish government adopted the ordinance indicating~~  
 10 ~~its desire to be excluded from the provisions of R.S. 40:1749.14 and those~~  
 11 ~~subsequently established or acquired. Each exempt incorporated municipality, parish~~  
 12 ~~government, and public utility shall maintain a permitting process or other~~  
 13 ~~established procedure through which a permittee may obtain, if available,~~  
 14 ~~information regarding the approximate location of such systems owned or operated~~  
 15 ~~by the incorporated municipality, parish government, or public utility that are~~  
 16 ~~situated in the immediate vicinity of the permitted work or area of excavation. The~~  
 17 ~~ordinance shall be filed with the secretary of state for verification purposes. An~~  
 18 ~~incorporated municipality or parish government which fails to adopt the ordinance~~  
 19 ~~shall be subject to the provisions of this Part on and after December 31, 1998.~~

20 B. Each municipality or parish government which owns or operates in its own  
 21 right, or through a special district or districts created pursuant to law, a drainage  
 22 system, a sewer system, water or water system, telephone or telegraph, fiber optic,  
 23 electronics equipment system, traffic control system, an electrical energy system,  
 24 natural gas system, and/or a gas system underground facility within its local  
 25 jurisdiction which would otherwise be included in R.S. 40:1749.17, and which is  
 26 incorporated or created subsequent to July 1, 1997, and which does not desire to be  
 27 so included, shall comply with the provisions of Subsection A of this Section within  
 28 one year of the date of its first municipal elections or within one year of the date of  
 29 creation of a special district.

30 \* \* \*

31 §1749.23. Enforcement and adjudication; administration; levy of civil penalties

32 \* \* \*

33 B. The deputy secretary for the office of public safety services in the  
 34 Department of Public Safety and Corrections or any local law enforcement agency  
 35 shall have the right to:

36 \* \* \*

37 (4) Order the cessation of excavation or demolition activities when the officer  
 38 has reasonable cause to believe the excavator is operating in violation of this Part.  
 39 Excavation or demolition shall not resume until the excavator demonstrates  
 40 compliance with this Part. For the purposes of this Paragraph, "reasonable cause"  
 41 means articulable facts observed by the officer that would lead a reasonable person  
 42 to believe that a violation of this Part is occurring or is about to occur, including but  
 43 not limited to the absence of a valid locate ticket, an expired ticket, excavation  
 44 within unmarked or improperly marked areas, or other observable noncompliance  
 45 pursuant to this Part.

46 \* \* \*"