

**GREEN SHEET REDIGEST**

**HB 259**

**2026 Regular Session**

**Dewitt**

**UTILITIES: Provides relative to the repair of damaged infrastructure from certain excavators or demolishers**

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DIGEST

Present law provides relative to the Louisiana Underground Utilities and Facilities Damage Prevention Law.

Present law provides for definitions.

Proposed law retains present law and adds a definition for "clear or no conflict", "locate request", "positive response", "ticket", and "ticket number".

Present law requires at least one person present at any underground or submerged excavation or demolition site possess proof of completion of annual training provided free of charge by the regional notification center and exempts excavators and demolishers certified under operator qualification programs pursuant to present law.

Proposed law retains present law and clarifies that the exemption is for excavators or demolishers engaged in logging operations.

Proposed law provides for excavation procedures for broadband development projects funded through the Broadband Equity, Access, and Deployment (BEAD) Program.

Proposed law requires excavators, demolishers, and operators to provide at least 30 days advanced notice to all operators with underground facilities located in the proposed project area by utilizing the regional notification center. Requires excavators, demolishers, and operators to attempt in good faith to enter into a written coordination agreement after 30 days' notice but before standard marking requirements apply.

Proposed law provides that failure to reach an agreement shall not delay excavation and allows operators to follow either standard marking requirements or an agreed-upon project schedule, while maintaining all existing obligations under present law.

Proposed law provides that the executed agreement shall be electronically uploaded by the excavator or demolisher to the regional notification center and attached to large project excavation or demolition ticket and made available at the excavation site for inspection.

Proposed law provides that if required facility markings are not visible and no positive response has been received from an operator, the excavator shall not begin excavation until documented notice is made to the operator of the underground utility or facility. Further requires the operator to mark the facilities or provide a positive response that there is no conflict within three hours from the time of contact. Allows the excavation, exercised with due care, if the operator fails to respond within three hours of contact.

Proposed law requires any excavator or demolisher performing excavation activities in the public right of way for a broadband development project to display signage at the excavation site identifying the excavator or demolisher, the broadband service provider for whom the work is being performed, and a contact telephone number or email address for project inquiries.

Proposed law provides that the provisions of proposed law terminate on August 1, 2030.

Present law requires operators who do not visibly mark underground utilities or facilities to provide information sufficient for excavators to determine the approximate location of the facilities prior to excavation.

Proposed law retains present law and further provides that such information may include written or electronic maps, drawings, or GPS coordinates showing potential conflicts within the planned excavation area.

Present law requires each operator of an underground utility or facility, including state agencies and political subdivisions, to become a member of, participate in, and share the cost of a regional notification center, except for voluntary participation by incorporated municipalities and parish governments. Further requires the regional notification center to receive emergency locate requests 24 hours a day and promptly disseminate the information to appropriate operators and affected regional notification centers in the state.

Proposed law retains present law except removes the exemption for voluntary participation by incorporated municipalities and parish governments.

Present law requires an underground utility or facility operator to notify the excavator prior to the mark-by-time if the operator determines its facilities are not in conflict with the excavation location or are not fully marked for locating purposes. Provides that notification to the regional notification center that generated the locate request satisfies the positive response requirement.

Proposed law requires a facility operator to provide a positive response through the regional notification center before the expiration of the time allowed for marking, indicating whether the operator's facilities are present and marked, not present, or whether additional time is required.

Present law allows incorporated municipalities and parish governments that own or operate underground facilities to opt out of the Underground Utilities and Facilities Damage Prevention Law by adopting and filing an ordinance expressing such intent by specified deadlines. Further provides that municipalities or parish governments created after July 1, 1997, may opt out by adopting such ordinance within one year of their creation or first municipal election.

Proposed law retains present law except limits the exemption to incorporated municipalities or parish governments operating under a home rule charter adopted prior to January 1, 1958. Provides that entities that adopted an ordinance on or before December 31, 1998, are exempt from certain requirements under present law and that such exemption applies to both existing and subsequently acquired systems.

Proposed law requires exempt entities to maintain a permitting process or other procedure to provide, if available, information regarding the approximate location of underground facilities. Further requires that the ordinance be filed with the secretary of state and that failure to adopt such ordinance results in applicability of the law and removes provisions allowing municipalities or parish governments created after July 1, 1997, to opt out within one year.

Present law provides that the deputy secretary for the office of public safety services, Dept. of Public Safety and Corrections, or any local law enforcement agency shall have the right to:

- (1) Monitor any excavation or demolition, including requests for the excavator or demolisher to provide the locate request number issued by a regional notification center.
- (2) Issue citations for violations of the provisions of present law.
- (3) Seek restraining orders, injunctions, or any other available civil remedies.

Proposed law retains present law and adds the authorization for the Dept. of Public Safety and Corrections or any local law enforcement officer to order the cessation of excavation or demolition activities when the officer has reasonable cause to believe the excavator is in violation of present law.

(Amends R.S. 40:1749.12, 1749.13(B)(6), 1749.14(C)(2) and (4), 1749.18(B)(4), and 1749.19; adds R.S. 40:1749.13(F) and 1749.23(B)(4))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Commerce to the original bill:

1. Make technical changes.
2. Require preconstruction coordination.
3. Require a point of contact for a project.
4. Amend proposed law regarding requirements to repair so that an excavator or demolisher utilizing BEAD funding is responsible for repairing the damage or paying the cost to repair the damage, if the excavator or demolisher who is excavating or demolishing utilizing funding provided by the BEAD Program is determined to be at fault.
5. Add how fault is determined.

The House Floor Amendments to the engrossed bill:

1. Make technical changes.
2. Remove that an excavator or demolisher who is excavating or demolishing utilizing funding provided by the BEAD Program that damages an underground utility or facility is responsible for providing immediate measures to prevent further damage and to stop any leakage.
3. Remove repetitive language.
4. Provide that an excavator or demolisher who is excavating or demolishing utilizing funding provided by the BEAD Program who is in violation of any provision of proposed law shall not receive its final reimbursement from the office until its compliance with proposed law.

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Commerce, Consumer Protection, and International Affairs to the reengrossed bill

1. Provides for definitions.
2. Requires annual regional notification center training for excavation and demolition sites and makes an exemption for logging operations.
3. Provides excavation procedure for BEAD-funded broadband development projects, sunset on August 1, 2030.
4. Authorizes an operator to provide maps, drawings, or GPS coordinates when utilities or facilities are not visibly marked by the operator.
5. Requires an operator to provide a positive response through the regional notification center identifying the status of underground facilities before the marking deadline.
6. Limits opt-out exemptions under the Underground Utilities and Facilities Damage Prevention Law to certain home rule municipalities and parish governments, preserves exemptions for qualifying entities that adopted ordinances before December 31, 1998, and requires exempt entities to maintain

permitting or location information procedures and file ordinances with the secretary of state.

7. Removes the ability of municipalities or parish governments created after July 1, 1997, to opt out within one year.
8. Authorizes law enforcement to order the cessation of excavation or demolition activities upon reasonable cause of a violation and prohibits work from resuming until compliance is demonstrated.
9. Makes technical changes.