

**ACT No. 245**

2016 Regular Session

HOUSE BILL NO. 250

BY REPRESENTATIVE CARMODY

1 AN ACT

2 To amend and reenact R.S. 40:1749.12(introductory paragraph) and (6) and 1749.13(B)(1)  
3 and (4), relative to the administration and regulation of underground utilities and  
4 facilities; to amend definitions; to enumerate certain holidays; to provide for  
5 effectiveness; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 40:1749.12(introductory paragraph) and (6) and 1749.13(B)(1) and  
8 (4) are hereby amended and reenacted to read as follows:

9 §1749.12. Definitions

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

12 \* \* \*

13 (6) "Excavation" or "excavate" means any operation ~~for the purpose of~~  
14 causing movement or removal of earth, rock, or other materials in or on the ground  
15 or submerged in a marine environment that could reasonably result in damage to  
16 underground or submerged utilities or facilities by the use of powered or mechanical  
17 or manual means, including but not limited to pile driving, digging, blasting,  
18 ~~auguring~~ augering, boring, back filling, dredging, ~~compressing~~ compaction, plowing-  
19 in, trenching, ditching, tunneling, land-leveling, grading, and mechanical probing.  
20 "Excavation" or "excavate" shall not include manual probing or any force majeure,  
21 act of God, or act of nature.

22 \* \* \*

23 §1749.13. Excavation and demolition; prohibitions

24 \* \* \*

25 B.(1) Except as provided in R.S. 40:1749.15, prior to any excavation or  
26 demolition, each excavator or demolisher shall serve telephonic or electronic notice

1 of the intent to excavate or demolish to the regional notification center or centers  
 2 serving the area in which the proposed excavation or demolition is to take place.  
 3 Such notice shall be given to the notification center at least forty-eight hours, but not  
 4 more than one hundred twenty hours, excluding weekends and holidays, in advance  
 5 of the commencement of any excavation or demolition activity. Holidays shall  
 6 consist of the following: New Year's Day; Good Friday; Memorial Day;  
 7 Independence Day; Labor Day; Thanksgiving Day; Christmas Eve; and Christmas  
 8 Day, or the days on which those holidays are observed by the state.

\* \* \*

9 (4) Notice shall be given and shall include a specific location request for  
 10 excavation or demolition work to be performed at least forty-eight hours, but not  
 11 more than one hundred twenty hours, excluding weekends and holidays, in advance  
 12 of actual work commencement. Holidays shall consist of the following: New Year's  
 13 Day; Good Friday; Memorial Day; Independence Day; Labor Day; Thanksgiving  
 14 Day; Christmas Eve; and Christmas Day, or the days on which those holidays are  
 15 observed by the state. The marking of an operator's facility or utility shall be  
 16 provided for excavation or demolition purposes only.

\* \* \*

17 Section 2. This Act shall become effective upon signature by the governor or, if not  
 18 signed by the governor, upon expiration of the time for bills to become law without signature  
 19 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
 20 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
 21 effective on the day following such approval.  
 22  
 23

\_\_\_\_\_  
SPEAKER OF THE HOUSE OF REPRESENTATIVES

\_\_\_\_\_  
PRESIDENT OF THE SENATE

\_\_\_\_\_  
GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_