

ACT No. 344

2023 Regular Session

HOUSE BILL NO. 292

BY REPRESENTATIVE ST. BLANC

1 AN ACT

2 To amend and reenact R.S. 40:1749.13(A), (B)(1) and (4), and 1749.16(4), relative to the
3 Louisiana Underground Utilities and Facilities Damage Prevention Law; to provide
4 for excavation or demolition notices; to provide for potholing; and to provide for
5 related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 40:1749.13(A), (B)(1) and (4), and 1749.16(4) are hereby amended
8 and reenacted to read as follows:

9 §1749.13. Excavation and demolition; prohibitions

10 A. Except as provided in this Section, no person shall excavate or demolish
11 in any street, highway, public place, or servitude of any operator, or near the location
12 of an underground facility or utility, or on the premises of a customer served by an
13 underground facility or utility without having first ascertained, in the manner
14 prescribed in Subsection B of this Section, the specific location as provided in R.S.
15 40:1749.14(D) of all underground facilities or utilities in the area which would be
16 affected by the proposed excavation or demolition. The marking of an operator's
17 facility or utility shall be provided for excavation or demolition purposes only.

18 B.(1) Except as provided in R.S. 40:1749.15, prior to any excavation or
19 demolition, each excavator or demolisher shall serve telephonic or electronic notice
20 of the intent to excavate or demolish to the regional notification center or centers
21 serving the area in which the proposed excavation or demolition is to take place.
22 Such notice shall be given to the notification center at least forty-eight hours, but not
23 more than one hundred twenty hours, excluding weekends and holidays, in advance

1 of the commencement of any excavation or demolition activity. Furthermore,
 2 excavation or demolition activities shall commence not more than one hundred
 3 twenty hours past the mark-by-time. Holidays shall consist of the following: New
 4 Year's Day; Martin Luther King, Jr. Day; Good Friday; Memorial Day;
 5 Independence Day; Labor Day; Thanksgiving Day; Christmas Eve; and Christmas
 6 Day.

7 * * *

8 (4) ~~Notice shall be given and shall include a specific location request for~~
 9 ~~excavation or demolition work to be performed at least forty-eight hours, but not~~
 10 ~~more than one hundred twenty hours, excluding weekends and holidays, in advance~~
 11 ~~of actual work commencement. Holidays shall consist of the following: New Year's~~
 12 ~~Day; Good Friday; Memorial Day; Independence Day; Labor Day; Thanksgiving~~
 13 ~~Day; Christmas Eve; and Christmas Day, or the days on which those holidays are~~
 14 ~~observed by the state. The marking of an operator's facility or utility shall be~~
 15 ~~provided for excavation or demolition purposes only.~~ The excavator or demolisher
 16 shall provide the specific location for excavation or demolition with either telephonic
 17 or electronic notice. Telephonic notice shall require the excavator or demolisher to
 18 ~~or~~ physically mark the proposed route or area of excavation or demolition using
 19 white paint, flags, stakes, or similar means under American Public Works
 20 Association guidelines prior to submitting notice.

21 * * *

22 §1749.16. Precautions to avoid damage

23 In addition to the notification requirements in R.S. 40:1749.13 and 1749.14
 24 and the emergency notification requirements in R.S. 40:1749.15, each person
 25 responsible for an excavation or demolition operation shall do the following:

26 * * *

27 (4) ~~Dig test pits to determine the actual location of facilities or utilities~~
 28 ~~handling electricity, gas, natural gas, oil, petroleum products, or other flammable,~~
 29 ~~toxic, or corrosive fluids/gases if these facilities or utilities are to be exposed.~~
 30 Potholing to determine the actual location of such facilities or utilities if an

1 excavation or demolition operation could result in damage to underground utilities
2 or facilities handling electricity, gas, natural gas, oil, petroleum products, or other
3 flammable, toxic, or corrosive fluids or gases. For forestry excavation operations
4 that could result in damage to underground utilities or facilities handling electricity,
5 gas, natural gas, oil, petroleum products, or other flammable, toxic, or corrosive
6 fluids or gases, the forestry excavator and the utility or facility owner or operator
7 shall cooperate to determine the actual location of such facilities or utilities.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____