

RÉSUMÉ DIGEST

ACT 344 (HB 292)

2023 Regular Session

St. Blanc

Prior to excavation or demolition in any street, highway, public place, or servitude, existing law requires that individuals evaluate utilities that may be damaged during excavation and demolition.

New law clarifies the requirement that marking of an operator's facility or utility be provided for excavation or demolition purposes.

Existing law requires that notice be given for demolition and excavation work to be performed at least 48 hours, but not more than 120 hours, with exemptions for weekends and certain holidays.

New law adds that excavation or demolition activities shall commence not more than 120 hours past the mark-by-time.

Prior law stated which days are considered holidays in regards to when notice shall be given for excavation or demolition.

New law removes prior law that outlined certain language regarding what is considered a holiday.

Existing law requires an excavator or demolisher to provide the specific location for excavation or demolition with notice or physically mark the area using white paint, flags, or stakes prior to notice.

New law retains existing law and adds that the excavator or demolisher shall provide the specific location for excavation or demolition with either telephonic or electronic notice. Telephonic notice shall require the excavator or demolisher to physically mark the proposed route or area of excavation or demolition.

Prior law required those responsible for an excavation or demolition to dig test pits if facilities or utilities are to be exposed during an excavation or demolition operation.

New law requires potholing to determine the location of facilities or utilities if an excavation or demolition operation could reasonably result in damage to underground utilities or facilities. For forestry excavation operations that could result in damage, the excavator and facility or utility owner or operator shall cooperate to determine actual locations.

Effective August 1, 2023.

(Amends R.S. 40:1749.13(A) and (B)(1) and (4) and 1749.16(4))