

2025 Regular Session

HOUSE BILL NO. 392

BY REPRESENTATIVE ST. BLANC

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

UTILITIES: Provides relative to the Louisiana Underground Utilities and Facilities Damage Prevention Law

1 AN ACT

2 To amend and reenact R.S. 40:1749.12(11) and 1749.13(B)(1) and (E)(1) and (7) and to  
3 enact R.S. 40:1749.13(B)(6), relative to the Louisiana Underground Utilities and  
4 Facilities Damage Prevention Law; to provide for definitions; to provide for  
5 procedure of excavations and demolitions; to require certain training; to provide  
6 relative to conflict in large project excavations; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 40:1749.12(11) and 1749.13(B)(1) and (E)(1) and (7) are hereby  
9 amended and reenacted and R.S. 40:1749.13(B)(6) is hereby enacted to read as follows:

10 §1749.12. Definitions

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

13 \* \* \*

14 (11) "Large project excavation or demolition" means excavation or  
15 demolition activity within a contiguous area that cannot reasonably be completed  
16 within the requirements of R.S. 40:1749.13(B)(2) twenty calendar days for routine  
17 demolition or excavation or within thirty calendar days for agricultural, forestry, or  
18 marine excavation or demolition activity.

19 \* \* \*

20 §1749.13. Excavation and demolition; prohibitions

21 \* \* \*

1           B.(1) Except as provided in R.S. 40:1749.15, prior to any excavation or  
2 demolition, each excavator or demolisher shall serve telephonic or electronic notice  
3 of the intent to excavate or demolish to the regional notification center or centers  
4 serving the area in which the proposed excavation or demolition is to take place.  
5 Such notice shall be given to the notification center at least forty-eight hours, but not  
6 more than one hundred twenty hours, excluding weekends and holidays, in advance  
7 of the commencement of any excavation or demolition activity. ~~Furthermore,~~  
8 ~~excavation or demolition activities shall commence not more than one hundred~~  
9 ~~twenty hours past the mark-by time.~~ If an excavation or demolition does not  
10 commence within one hundred twenty hours of the mark-by-time, not counting  
11 weekends and holidays, the excavator or demolisher shall be found in violation of  
12 this Section, except in the case of mutual agreement with the facility owner or  
13 operator to extend the time or extraordinary circumstances. Extraordinary  
14 circumstances are circumstances which make it impractical or impossible for the  
15 excavator or demolisher to comply with the provisions of this Part due to  
16 weather-related events, equipment malfunction or failure, or unavailability of vital  
17 supplies and equipment. Holidays shall consist of the following: New Year's Day;  
18 Martin Luther King, Jr. Day; Good Friday; Memorial Day; Independence Day; Labor  
19 Day; Thanksgiving Day; Christmas Eve; and Christmas Day.

20                                   \*       \*       \*

21           (6) At least one person on any underground or submerged excavation or  
22 demolition site shall have proof of completion of the training and education provided  
23 by the Regional Notification Center. Training is required on an annual basis through  
24 the Regional Notification Center and shall be available through its website free of  
25 charge. Excavators or demolishers certified by an operator qualification program  
26 subject to Title 49, CFR, Part 192 or Part 195 shall be exempt from this requirement.

27                                   \*       \*       \*

28           E.(1) The purpose of this Subsection is to allow for voluntary agreements in  
29 writing between operators of underground utilities or facilities and excavators and

demolishers in conflict to determine the mark-by time, as well as the duration of excavation and demolition projects that cannot be reasonably completed within the time frame required for routine excavation or demolition.

\* \* \*

(7) If a mutual agreement between the operator and the excavator or demolisher all parties in conflict in an area cannot be reached within thirty calendar days from the date submitted to the Regional Notification Center, the large project excavation or demolition notification request shall be deemed null and void, ~~and the provisions of Subsection B of this Section shall apply~~ and the requesting excavator or demolisher shall cancel the large project excavation or demolition notice and request a routine excavation or demolition notice in accordance with this Section.

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#### DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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HB 392 Reengrossed

2025 Regular Session

St. Blanc

**Abstract:** Provides relative to the Louisiana Underground and Utilities and Facilities Damage and Prevention Law.

Present law provides for definitions.

Proposed law amends the definition of "large project excavation or demolition".

Present law provides for the procedure for excavation and demolition and provides that excavation or demolition activities shall commence not more than 120 hours past the mark-by time.

Proposed law amends present law to provide that if an excavation or demolition does not commence within 120 hours of the mark-by-time, not counting weekends and holidays, the excavator or demolisher shall be found in violation of present and proposed law, except in the case of mutual agreement with the facility owner or operator to extend the time or extraordinary circumstances.

Proposed law provides for what shall be considered an extraordinary circumstance.

Proposed law provides that at least one person on any underground or submerged excavation or demolition site shall have proof of completion of the training and education provided by the Regional Notification Center which is required to be done annually. Proposed law also provides for who shall be exempt from this training.

Present law provides for voluntary agreements related to mark-by-time determinations.

Proposed law clarifies present law.

Present law provides that if a mutual agreement between the operator and the excavator or demolisher cannot be reached the large project excavation or demolition notification request shall be deemed null and void, and the provisions of present law shall apply.

Proposed law amends present law to provide that if a mutual agreement between all parties in conflict in an area cannot be reached within 30 calendar days from the date submitted to the Regional Notification Center, the large project excavation or demolition notification request shall be deemed null and void, and the requesting excavator or demolisher shall cancel the large project excavation or demolition notice and request a routine excavation or demolition notice in accordance with present and proposed law.

(Amends R.S. 40:1749.12(11) and 1749.13(B)(1) and (E)(1) and (7); Adds R.S. 40:1749.13(B)(6))

#### Summary of Amendments Adopted by House

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

1. Remove the definition of "manual probing" and amend the definition for "large project excavation or demolition".
2. Clarify that 120 hours of the mark-by-time does not include weekends or holidays.

#### The House Floor Amendments to the engrossed bill:

1. Amend the definition of "large project excavation or demolition".
2. Make technical changes.