

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. 40:1749.13(B)(1) and (6) and (E)(1) and (7) and to enact R.S.
3 40:1749.12(23), relative to the Louisiana Underground and Utilities and Facilities
4 Damage and Prevention Law; to provide for definitions; to provide for procedure of
5 excavations and demolitions; to require certain training; to provide relative to
6 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. 40:1749.13(B)(1) and (6) and (E)(1) and (7) are hereby amended and
9 reenacted and R.S. 40:1749.12(23) 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 (23) "Manual probing" means the utilization of nonmechanized
15 commercially manufactured probing devices to locate underground utilities or
16 facilities.

17 §1749.13. Excavation and demolition; prohibitions

18 * * *

19 B.(1) Except as provided in R.S. 40:1749.15, prior to any excavation or
20 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. ~~Furthermore,~~
6 ~~excavation or demolition activities shall commence not more than one hundred~~
7 ~~twenty hours past the mark-by time.~~ If an excavation or demolition does not
8 commence within one hundred twenty hours of the mark-by-time, the excavator or
9 demolisher shall be found in violation of this Section, except in the case of mutual
10 agreement with the facility owner or operator to extend the time or extraordinary
11 circumstances. Extraordinary circumstances are circumstances which make it
12 impractical or impossible for the excavator or demolisher to comply with the
13 provisions of this Part due to weather-related events, equipment malfunction or
14 failure, or unavailability of vital supplies and equipment. Holidays shall consist of
15 the following: New Year's Day; Martin Luther King, Jr. Day; Good Friday;
16 Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Christmas Eve;
17 and Christmas Day.

18 * * *

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

26 * * *

27 E.(1) The purpose of this Subsection is to allow for voluntary agreements in
28 writing between operators of underground utilities or facilities and excavators and
29 demolishers in conflict to determine the mark-by time, as well as the duration of

1 excavation and demolition projects that cannot be reasonably completed within the
2 time frame required for routine excavation or demolition.

3 * * *

4 (7) If a mutual agreement between the operator and the excavator or
5 demolisher all parties in conflict in an area cannot be reached within thirty calendar
6 days from the date submitted to the Regional Notification Center, the large project
7 excavation or demolition notification request shall be deemed null and void, ~~and the~~
8 ~~provisions of Subsection B of this Section shall apply~~ and the requesting excavator
9 or demolisher shall cancel the large project excavation or demolition notice and
10 request a routine excavation or demolition notice in accordance with R.S.
11 40:1749.13.

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)]

HB 392 Original

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 adds the definition of "manual probing".

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, 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. 40:1749.13(B)(1) and (6) and (E)(1) and (7); Adds R.S. 40:1749.12(23))