

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 and Utilities and
4 Facilities Damage and 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).

17 * * *

18 §1749.13. Excavation and demolition; prohibitions

19 * * *

20 B.(1) Except as provided in R.S. 40:1749.15, prior to any excavation or
21 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, not counting
 9 weekends and holidays, the excavator or demolisher shall be found in violation of
 10 this Section, except in the case of mutual agreement with the facility owner or
 11 operator to extend the time or extraordinary circumstances. Extraordinary
 12 circumstances are circumstances which make it impractical or impossible for the
 13 excavator or demolisher to comply with the provisions of this Part due to
 14 weather-related events, equipment malfunction or failure, or unavailability of vital
 15 supplies and equipment. Holidays shall consist of the following: New Year's Day;
 16 Martin Luther King, Jr. Day; Good Friday; Memorial Day; Independence Day; Labor
 17 Day; Thanksgiving Day; Christmas Eve; 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

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.