

Regular Session, 2011

SENATE BILL NO. 95

BY SENATOR MURRAY

UTILITIES. Reduces the time period for the escalation of monetary fines for violations of the Louisiana Utilities and Facilities Damage Prevention Law within the jurisdiction of the New Orleans Sewerage and Water Board. (gov sig)

1 AN ACT

2 To amend and reenact R.S. 40:1749.20(B)(2), (3) and (4), relative to underground utilities  
3 and facilities; to provide for violations and penalties; to reduce the time periods for  
4 escalation of monetary fines within the jurisdiction of the New Orleans Sewerage  
5 and Water Board; and to provide for related matters.

6 Notice of intention to introduce this Act has been published.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 40:1749.20(B)(2), (3) and (4) are hereby amended and reenacted to  
9 read as follows:

10 §1749.20. Violations; penalties

11 \* \* \*

12 B. An excavator or demolisher who violates the provisions of R.S.  
13 40:1749.13, 1749.16, or 1749.17(B) shall be subject to the following:

14 \* \* \*

15 (2)(a) For a second violation of a similar nature within a two-year period  
16 from the previous violation, a civil penalty of not more than five hundred dollars.

17 (b) Notwithstanding Subparagraph (a) of this Paragraph, for a second

1 violation of a similar nature, within the jurisdiction of the New Orleans  
2 Sewerage and Water Board, within a one-year period from the previous  
3 violation, a civil penalty of not more than five hundred dollars.

4 (3)(a) For a third violation of a similar nature within a ~~two~~ one-year period  
5 from a previous violation, a civil penalty of not more than one thousand dollars.

6 (b) Notwithstanding Subparagraph (a) of this Paragraph, for a third  
7 violation of a similar nature, within the jurisdiction of the New Orleans  
8 Sewerage and Water Board, within a one-year period from the previous  
9 violation, a civil penalty of not more than one thousand dollars.

10 (4)(a) For a fourth and each subsequent violation of a similar nature within  
11 a ~~two~~ one-year period from the previous violation, a civil penalty of not less than two  
12 thousand dollars nor more than twenty-five thousand dollars.

13 (b) Notwithstanding Subparagraph (a) of this Paragraph, for a fourth  
14 and each subsequent violation of a similar nature, within the jurisdiction of the  
15 New Orleans Sewerage and Water Board, within a one-year period from the  
16 previous violation, a civil penalty of not more than twenty-five thousand dollars.

17 \* \* \*

18 Section 2. This Act shall become effective upon signature by the governor or, if not  
19 signed by the governor, upon expiration of the time for bills to become law without signature  
20 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
21 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
22 effective on the day following such approval.

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The original instrument and the following digest, which constitutes no part  
of the legislative instrument, were prepared by Alan Miller.

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#### DIGEST

Present law provides for multiple violations relative to the La. Underground Utilities and  
Facilities Damage Prevention Law committed by excavators and demolishers.

1. For a second violation of a similar nature within a two-year period from the previous violation, a civil penalty of not more than \$500.
2. For a third violation of a similar nature within a two-year period from a previous violation, a civil penalty of not more than \$1,000.

3. For a fourth and each subsequent violation of a similar nature within a two -year period from the previous violation, a civil penalty of not less than \$2,000 nor more than \$25,000.

Proposed law retains present law but reduces the time periods for escalation of monetary fines from two years to one year for violations occurring within the jurisdiction of the New Orleans Sewerage and Water Board.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 40:1749.20(B)(2), (3) and (4))