



January 24, 2020

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## HOUSE BILL No. 1218

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DIGEST OF HB 1218 (Updated January 22, 2020 6:05 pm - DI 101)

**Citations Affected:** IC 8-1.

**Synopsis:** Locating underground utility infrastructure. Amends the statute concerning the location of underground utility facilities (state 811 law) to provide that for any new or replacement underground facility that an operator or a private property owner installs or causes to be installed after June 30, 2020, the operator or person shall ensure that: (1) the materials from which the facility is constructed are capable of being detected from above ground level using standard equipment and technologies used by the utility locating industry; or (2) if the materials from which the facility is constructed are not capable of being detected from above ground level using standard locating techniques, the facility is encased by conductive material or is equipped with an electrically conducting wire or other means of locating the facility while it is underground.

**Effective:** Upon passage.

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## Manning

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January 13, 2020, read first time and referred to Committee on Utilities, Energy and Telecommunications.  
January 23, 2020, amended, reported — Do Pass.

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HB 1218—LS 7211/DI 101





January 24, 2020

Second Regular Session of the 121st General Assembly (2020)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2019 Regular Session of the General Assembly.

## HOUSE BILL No. 1218

A BILL FOR AN ACT to amend the Indiana Code concerning utilities.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 8-1-26-18.5 IS ADDED TO THE INDIANA CODE  
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE  
3 UPON PASSAGE]: **Sec. 18.5. (a) This section applies to any new or**  
4 **replacement underground facility that:**

5           **(1) an operator installs or causes to be installed after June 30,**  
6           **2020, in any public right-of-way or on any private property;**  
7           **or**

8           **(2) a person installs or causes to be installed after June 30,**  
9           **2020, on real property that the person owns or occupies.**

10       **(b) Subject to any other applicable federal or state laws or**  
11 **regulations, for any new or replacement underground facility that**  
12 **an operator described in subsection (a)(1) or a person described in**  
13 **subsection (a)(2) installs or causes to be installed, the operator or**  
14 **person shall ensure that:**

15           **(1) the materials from which the facility is constructed are**  
16           **capable of being detected from above ground level using**  
17           **standard equipment and technologies used by the utility**

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1        locating industry, such as electromagnetic locating equipment  
2        and electromagnetic induction surveys; or

3        (2) if the materials from which the facility is constructed are  
4        not capable of being detected from above ground level using  
5        standard locating techniques, as described in subdivision (1),  
6        the facility is:

7            (A) encased by conductive material; or

8            (B) equipped with an electrically conducting wire or other  
9            means of locating the facility while it is underground.

10        (c) The commission may adopt rules under IC 4-22-2 to  
11        implement this section, including emergency rules in the manner  
12        provided under IC 4-22-2-37.1. Notwithstanding IC 4-22-2-37.1(g),  
13        an emergency rule adopted by the commission under this  
14        subsection and in the manner provided under IC 4-22-2-37.1  
15        expires on the date on which a rule that supersedes the emergency  
16        rule is adopted by the commission under IC 4-22-2-24 through  
17        IC 4-22-2-36.

18        SECTION 2. An emergency is declared for this act.



## COMMITTEE REPORT

Mr. Speaker: Your Committee on Utilities, Energy and Telecommunications, to which was referred House Bill 1218, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 4, delete "that an operator installs or" and insert "**that:**  
**(1) an operator installs or causes to be installed after June 30, 2020, in any public right-of-way or on any private property;**  
**or**  
**(2) a person installs or causes to be installed after June 30, 2020, on real property that the person owns or occupies.**".

Page 1, delete line 5.

Page 1, line 7, delete "and except as provided in subsection (d),".

Page 1, line 8, after "operator" insert "**described in subsection (a)(1) or a person described in subsection (a)(2).**".

Page 1, line 9, after "operator" insert "**or person**".

Page 1, line 13, delete "equipment," and insert "**equipment and**".

Page 1, line 14, delete "surveys, and ground penetrating" and insert "**surveys; or**".

Page 1, delete line 15.

Page 1, line 16, delete "subject to subsection (c),".

Page 2, delete lines 6 through 12.

Page 2, line 13, delete "(e)" and insert "**(c)**".

and when so amended that said bill do pass.

(Reference is to HB 1218 as introduced.)

SOLIDAY

Committee Vote: yeas 12, nays 0.

