

2016 Regular Session

HOUSE BILL NO. 250

BY REPRESENTATIVE CARMODY

UTILITIES: Provides relative to the administration and regulation of underground utilities and facilities

1 AN ACT

2 To amend and reenact R.S. 40:1749.12(introductory paragraph) and (6) and 1749.13(B)(1)
3 and (4), relative to the administration and regulation of underground utilities and
4 facilities; to amend definitions; to enumerate certain holidays; to provide for
5 effectiveness; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 40:1749.12(introductory paragraph) and (6) and 1749.13(B)(1) and
8 (4) are hereby amended and reenacted to read as follows:

9 §1749.12. Definitions

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

12 * * *

13 (6) "Excavation" or "excavate" means any operation ~~for the purpose of~~
14 causing movement or removal of earth, rock, or other materials in or on the ground
15 or submerged in a marine environment that could reasonably result in damage to
16 underground or submerged utilities or facilities by the use of powered or mechanical
17 or manual means, including but not limited to pile driving, digging, blasting,
18 auguring, boring, back filling, dredging, ~~compressing~~ compaction, plowing-in,
19 trenching, ditching, tunneling, land-leveling, grading, and mechanical probing, or
20 any other activity. "Excavation" or "excavate" shall not include manual probing or
21 any force majeure, act of God, or act of nature.

22 * * *

1 §1749.13. Excavation and demolition; prohibitions

2 * * *

3 B.(1) Except as provided in R.S. 40:1749.15, prior to any excavation or
4 demolition, each excavator or demolisher shall serve telephonic or electronic notice
5 of the intent to excavate or demolish to the regional notification center or centers
6 serving the area in which the proposed excavation or demolition is to take place.
7 Such notice shall be given to the notification center at least forty-eight hours, but not
8 more than one hundred twenty hours, excluding weekends and holidays, in advance
9 of the commencement of any excavation or demolition activity. Holidays shall
10 consist of the following: New Year's Day; Good Friday; Memorial Day;
11 Independence Day; Labor Day; Thanksgiving Day; Christmas Eve; and Christmas
12 Day, or the days on which those holidays are observed by the state.

13 * * *

14 (4) Notice shall be given and shall include a specific location request for
15 excavation or demolition work to be performed at least forty-eight hours, but not
16 more than one hundred twenty hours, excluding weekends and holidays, in advance
17 of actual work commencement. Holidays shall consist of the following: New Year's
18 Day; Good Friday; Memorial Day; Independence Day; Labor Day; Thanksgiving
19 Day; Christmas Eve; and Christmas Day, or the days on which those holidays are
20 observed by the state. The marking of an operator's facility or utility shall be
21 provided for excavation or demolition purposes only.

22 * * *

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

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 250 Engrossed

2016 Regular Session

Carmody

Abstract: Amends the definition of the terms "excavation" or "excavate" and adds Memorial Day and Christmas Eve to an enumerated list of recognized holidays observed by regional notification centers.

Present law defines "excavation" or "excavate". Proposed law amends the definition of "excavation" or "excavate". Proposed law removes an element of intent by deleting the phrase "for the purpose of" from the definition. Further, proposed law makes an illustrative list of examples nonexclusive and provides for additional circumstances to be included in the definition of "excavation" or "excavate". Proposed law provides an exception to exclude certain circumstances resulting as a consequence of any force majeure, act of God, or act of nature.

Present law enumerates certain holidays to be observed by regional notification centers as defined in present law. Proposed law adds Memorial Day and Christmas Eve to the list of holidays to be observed by regional notification centers.

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

(Amends R.S. 40:1749.12(intro. para.) and (6) and 1749.13(B)(1) and (4))

Summary of Amendments Adopted by House

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

1. Make technical changes.
2. Clarify and reorganize the definition of "excavation" or "excavate".
3. Provide an exception to the definition of "excavation" or "excavate" by excluding certain circumstances resulting as a consequence of any force majeure, act of God, or act of nature.