

Regular Session, 2012
HOUSE BILL NO. 824
BY REPRESENTATIVE PONTI

ACT No. 103

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AN ACT

To amend and reenact R.S. 40:1749.12(11) and (12) and 1749.20(C)(introductory paragraph) and to enact R.S. 40:1749.12(16) and 1749.15(C), relative to the Louisiana Underground Utilities and Facilities Damage Prevention Law; to define "operator"; to define "person"; to define "wildfire"; to require notification of an emergency excavation within four hours after commencement of excavation; to require notification within twelve hours of an emergency excavation after a gubernatorially declared state of emergency due to a tropical storm or hurricane; to require notification of an emergency excavation within twenty-four hours after control of an emergency caused by a wildfire; to provide for penalties; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:1749.12(11) and (12) and 1749.20(C)(introductory paragraph) are hereby amended and reenacted and R.S. 40:1749.12(16) and 1749.15(C) are hereby enacted to read as follows:

§1749.12. Definitions

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

* * *

(11) "Operator" means any person, ~~individual, governmental agency or political subdivision or their agents, joint venture, firm, partnership, association, or~~

1 ~~corporation~~ who owns or operates a public or private underground facility or utility
 2 which furnishes a service or material or stores, transports, or transmits electric
 3 energy, steam, oil, gases, natural gas, gas, mixture of gases, petroleum, petroleum
 4 products, hazardous or flammable fluids, toxic or corrosive fluids/gases, including
 5 telephone or telegraph system, fiber optic electronic communication systems, or
 6 water or water systems, or drainage, sewer systems, or traffic control systems or
 7 other items of like nature.

8 (12) "Person" means an individual, firm, partnership, association, limited
 9 liability company, corporation, joint venture, municipality, governmental agency,
 10 political subdivision, or agent of the state or any legal representative thereof.

11 * * *

12 (16) "Wildfire" means an uncontrolled combustion of natural vegetation.

13 * * *

14 §1749.15. Emergency excavation; notice required; penalty

15 * * *

16 C. There is a rebuttable presumption that the excavator failed to give notice
 17 as required pursuant to this Section if the excavator failed to give any notice to the
 18 regional notification center within the following time periods:

19 (1) Within four hours of the beginning of the emergency excavation.

20 (2) In the case of a gubernatorially declared state of emergency due to a
 21 tropical storm or hurricane event, within twelve hours of the beginning of the
 22 emergency excavation within the parishes to which the emergency declaration
 23 applies.

24 (3) In the case of a wildfire, within twenty-four hours after control of the
 25 emergency.

26 * * *

27 §1749.20. Violations; penalties

28 * * *

1 C. An excavator or demolisher who violates the provisions of ~~R.S.~~
2 ~~40:1749.15(B)~~ R.S. 40:1749.15 shall be subject to the following:

3 * * *

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____