

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 ENROLLED ACT No. 1218

AN ACT to amend the Indiana Code concerning utilities.

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

SECTION 1. IC 8-1-26-18.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 18.5. (a) This section applies to any new or replacement underground facility that an operator installs or causes to be installed after June 30, 2020, in any public right-of-way or on any private property.**

(b) Subject to any other applicable federal or state laws or regulations, for any new or replacement underground facility that an operator installs or causes to be installed, the operator 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, such as electromagnetic locating equipment and electromagnetic induction surveys; 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, as described in subdivision (1), the facility is:**
 - (A) encased by conductive material; or**
 - (B) equipped with an electrically conducting wire or other means of locating the facility while it is underground.**

HEA 1218 — Concur



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

SECTION 2. An emergency is declared for this act.



Speaker of the House of Representatives

President of the Senate

President Pro Tempore

Governor of the State of Indiana

Date: _____ Time: _____

HEA 1218 — Concur

