

## RÉSUMÉ DIGEST

ACT 344 (SB 82)

2019 Regular Session

Lambert

Prior law provided relative to underground utilities and facilities.

Prior law provided that no person shall excavate or demolish in any street, highway, public place, or servitude of any operator, or near the location of an underground facility or utility, or on the premises of a customer served by an underground facility or utility without having first ascertained the specific location of all underground facilities or utilities in the area which would be affected by the proposed excavation or demolition.

Prior law provided that prior to any excavation or demolition, each excavator or demolisher shall serve notice of the intent to excavate or demolish to the regional notification center or centers serving the area in which the proposed excavation or demolition is to take place and further provides for the notification procedure.

Prior law provided that the excavator or demolisher shall wait at least 48 hours following notification, unless mutually agreed upon and documented by the excavator and operator to extend such time, before beginning the proposed work, except under certain circumstances.

New law provides if the operator and excavator cannot agree to extend the time and the excavation or demolition activity could impact a pipeline located on or in water, upon request by the operator, the commissioner of conservation may delay the mark-by time prior to the commencement of any excavation or demolition activity in order to allow for the accurate marking of such pipeline.

Prior law provided for the responsibilities of a regional call center and an operator once notification of an intent to excavate is received.

Prior law provided that the specific location and type of underground utility or facility may, at the operator's option, be marked to locate the utilities or facilities.

Prior law provided that when they are marked, such markings shall be deemed good as long as visible but not longer than 20 calendar days from the mark-by time.

New law provides that the commissioner of conservation may extend the time to complete the excavation or demolition activity if such activity could impact a pipeline located on or in water.

Prior law provided that no parish, municipal, local, or state governing authority may enact any ordinance or promulgate any rules or regulations which are in conflict with the provisions of prior law.

New law provides that except as provided in prior law, no parish, municipal, local, or state governing authority may enact any ordinance or promulgate any rules or regulations which are in conflict with the provisions of prior law.

Effective August 1, 2019.

(Amends R.S. 40:1749.13(B)(5), 1749.14(C)(1)(b)(iii) and (3), and 1749.22)