



# *State of Tennessee*

## **PUBLIC CHAPTER NO. 274**

### **SENATE BILL NO. 952**

**By Walley**

Substituted for: House Bill No. 802

By Marsh, Howell

AN ACT to amend Tennessee Code Annotated, Title 65, Chapter 28 and Title 65, Chapter 31, relative to utility facilities safety enforcement.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 65-31-102, is amended by adding the following as new subdivisions:

( ) "Electronic white lining" means the application of a visual indicator to a digital or virtual map marking the boundaries of the area of proposed excavation or the area of ongoing excavation;

( ) "Hand dig" or "hand digging":

(A) Means any movement, placement, or removal of earth, rock, or other materials in or on the ground by use of non-mechanized tools or equipment, including, but not limited to, shovels, picks, post hole diggers, vacuum excavation, or soft digging; and

(B) Does not include the following:

(i) A property owner utilizing non-mechanized tools or equipment on their own property; or

(ii) The use of non-mechanized tools or equipment by or on behalf of a member operator to a depth not greater than twelve (12) inches for locating, repairing, connecting, protecting, or routine maintenance of the member operator's underground facilities.

SECTION 2. Tennessee Code Annotated, Section 65-31-102(10), is amended by deleting subdivision (A) and substituting:

(A) Means an operation for the purpose of the movement, placement, or removal of earth, rock, or other materials in or on the ground by use of mechanized equipment, discharge of explosives, or by hand digging, and includes augering, backfilling, blasting, boring, digging, ditching, drilling, grading, pile-driving, plowing-in, pulling-in, ripping, scraping, sub-soiling, trenching, or tunneling; and

SECTION 3. Tennessee Code Annotated, Section 65-31-106(b), is amended by deleting "The person responsible for the excavation or demolition shall designate the location of the proposed area of excavation or demolition by marking the area, consistent with the marking standards established by the rules adopted pursuant to § 65-31-108(a), with "safety white" color-coded stakes or white paint, unless:" and substituting "The person responsible for the excavation or demolition shall designate the location of the proposed area of excavation or demolition by marking the area, consistent with the marking standards established by the rules adopted pursuant to § 65-31-108(a), with "safety white" color-coded stakes, with white paint, or by electronic white lining, unless:".

SECTION 4. Tennessee Code Annotated, Section 65-31-106, is amended by adding the following as a new subsection:

(e) The notice requirements of this section do not apply to:

(1) A property owner utilizing non-mechanized tools or equipment on their own property; or

(2) The use of non-mechanized tools or equipment by or on behalf of a member operator to a depth not greater than twelve (12) inches for locating, repairing, connecting, protecting, or routine maintenance of the member operator's underground facilities.

SECTION 5. Tennessee Code Annotated, Section 65-31-107, is amended by adding the following as a new subsection:

(f) The one-call service may collect data concerning notice issues related to excavation projects encompassing more than two thousand feet (2,000') within a contiguous geographical area, or that will take more than ninety (90) days to complete. The one-call service may utilize such data to recommend alternatives to the board that would alleviate the number of repeated additional notices required on such excavation projects by § 65-31-106.

SECTION 6. This act takes effect upon becoming a law, the public welfare requiring it.

SENATE BILL NO. 952

PASSED: April 17, 2023

  
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RANDY McNALLY  
SPEAKER OF THE SENATE

  
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CAMERON SEXTON, SPEAKER  
HOUSE OF REPRESENTATIVES

APPROVED this 28<sup>th</sup> day of April 2023

  
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BILL LEE, GOVERNOR