

House File 2581

H-8094

1 Amend House File 2581 as follows:

2 1. By striking everything after the enacting clause and  
3 inserting:

4 <Section 1. Section 480.1, Code 2024, is amended by adding  
5 the following new subsections:

6 NEW SUBSECTION. 5A. *"Forty-eight-hour period"* means a  
7 period of forty-eight consecutive hours beginning at 6:00 a.m.  
8 the next business day from the day the notification center  
9 receives a notice and excludes Saturdays, Sundays, and legal  
10 holidays.

11 NEW SUBSECTION. 5B. *"Locator"* means a person proposing to  
12 engage or engaging in the location and marking of underground  
13 facilities under contract with or employed by an operator.

14 Sec. 2. Section 480.3, subsection 1, paragraph a,  
15 subparagraph (1), Code 2024, is amended to read as follows:

16 (1) The center shall be governed by a board of directors,  
17 which shall represent and be elected by operators, excavators,  
18 and other persons who participate in the center. The board  
19 shall include two locators and two excavators to serve as  
20 nonvoting members. The board, with input from all interested  
21 parties, shall determine the operating procedures and  
22 technology needed for a single statewide notification center  
23 and establish a notification process.

24 Sec. 3. Section 480.3, subsection 2, Code 2024, is amended  
25 to read as follows:

26 2. a. The board shall implement the latest and most  
27 cost-effective technological improvements for the center  
28 in order to provide operators and excavators with the most  
29 accurate data available and in a timely manner to allow  
30 operators and excavators to perform their responsibilities with  
31 the minimum amount of interruptions.

32 b. The center shall establish a communication system to  
33 facilitate the provision of notice by operators, locators, and  
34 excavators.

35 Sec. 4. Section 480.3, Code 2024, is amended by adding the

1 following new subsection:

2 NEW SUBSECTION. 4. The center shall provide records to the  
3 utilities board upon request as a part of an investigation on  
4 behalf of the attorney general's office.

5 Sec. 5. Section 480.4, subsection 1, paragraph a, Code 2024,  
6 is amended to read as follows:

7 a. Except as otherwise provided in this section, prior to  
8 any excavation, an excavator shall contact the notification  
9 center and provide notice of the planned excavation occurring  
10 after a forty-eight-hour period. ~~This notice must be given~~  
11 ~~at least forty-eight hours prior to the commencement of the~~  
12 ~~excavation, excluding Saturdays, Sundays, and legal holidays.~~  
13 ~~Notices received after 5:00 p.m. shall be processed as if~~  
14 ~~received at 8:00 a.m. the next business day.~~ The notice  
15 shall be valid for twenty twenty-five calendar days ~~from the~~  
16 ~~date beginning on the day the notice was provided to the~~  
17 ~~notification center~~ forty-eight-hour period concludes. If all  
18 locating and marking of underground facilities is completed  
19 prior to the expiration of the forty-eight-hour period, the  
20 excavator may proceed with excavation upon being notified  
21 by the notification center that the locating and marking of  
22 all underground facilities is complete. The notification  
23 center shall establish a toll-free telephone number to allow  
24 excavators to provide the notice required pursuant to this  
25 subsection.

26 Sec. 6. Section 480.4, subsection 3, paragraph a,  
27 subparagraphs (1), (2), and (3), Code 2024, are amended to read  
28 as follows:

29 (1) An operator who receives notice from the notification  
30 center shall mark the horizontal location of the operator's  
31 underground facility and the excavator shall use due care in  
32 excavating in the marked area to avoid damaging the underground  
33 facility. The operator shall complete such locating and  
34 marking, and shall notify the notification center that the  
35 marking is complete within ~~forty-eight hours after receiving~~

1 ~~the notice, excluding Saturdays, Sundays, and legal holidays,~~  
2 the forty-eight-hour period unless otherwise agreed by the  
3 operator and the excavator. No later than the expiration of  
4 the forty-eight-hour period, ~~excluding Saturdays, Sundays,~~  
5 ~~and legal holidays,~~ the notification center shall notify the  
6 excavator of the underground facility locating and marking  
7 status, or the failure of the operator to notify the center  
8 that the locating and marking is complete. The locating and  
9 marking of the underground facilities shall be completed at no  
10 cost to the excavator. If, in the opinion of the operator, the  
11 planned excavation requires that the precise location of the  
12 underground facilities be determined, the excavator, unless  
13 otherwise agreed upon between the excavator and the operator,  
14 shall hand dig test holes or use nondestructive methods to  
15 determine the location of the facilities unless the operator  
16 specifies an alternate method.

17 (2) (a) The marking required under **this subsection** shall  
18 be done in a manner that will last for a minimum of five  
19 working days on any nonpermanent surface, or a minimum of ten  
20 working days on any permanent surface. If the excavation will  
21 continue for any period longer than such periods, the operator  
22 shall remark the location of the underground facility upon the  
23 request of the excavator. The request shall be made through  
24 the notification center.

25 (b) A locator shall use for marking a flag that includes the  
26 name of the operator and a contact phone number.

27 (3) Unless otherwise agreed by the operator and excavator in  
28 writing, no excavation shall be performed within twenty-five  
29 feet of an underground ~~natural gas transmission line as defined~~  
30 ~~in 49 C.F.R. §192.3~~ pipeline operating at one hundred fifty  
31 pounds per square inch or greater and that is equal to or  
32 greater than two inches in diameter unless a representative  
33 of the operator of the underground ~~natural gas transmission~~  
34 ~~line pipeline~~ is present at the planned excavation area. This  
35 requirement shall not apply, however, when a representative of

1 the operator fails to be present at the proposed excavation  
2 area at the time work is scheduled to commence or as otherwise  
3 agreed by the operator and excavator in writing. In this  
4 event, the excavator shall notify the operator that the  
5 representative failed to appear, and excavation operations can  
6 begin, provided the excavator uses due care to avoid damaging  
7 the underground facilities.

8 Sec. 7. Section 480.4, subsection 3, paragraph b, Code 2024,  
9 is amended to read as follows:

10 *b.* An operator who receives notice from the notification  
11 center and who determines that the operator does not have  
12 any underground facility located within the proposed area of  
13 excavation shall notify the notification center concerning  
14 this determination within ~~forty-eight hours after receiving~~  
15 ~~the notice, excluding Saturdays, Sundays, and legal holidays~~  
16 the forty-eight-hour period. No later than the expiration of  
17 the ~~forty-eight-hour period, excluding Saturdays, Sundays,~~  
18 ~~and legal holidays,~~ the notification center shall notify the  
19 excavator that the operator does not have any underground  
20 facilities within the proposed area of excavation.

21 Sec. 8. Section 480.6, subsection 1, Code 2024, is amended  
22 by adding the following new paragraph:

23 NEW PARAGRAPH. *c.* If a locator violates a time limit set  
24 forth in this chapter and a complaint relating to the violation  
25 is filed with the utilities board, the locator is subject  
26 to a civil penalty in an amount determined by the attorney  
27 general. A civil penalty imposed by the attorney general under  
28 this paragraph shall not exceed one hundred dollars for each  
29 violation for each day the violation continues, up to a maximum  
30 of five thousand dollars.

31 Sec. 9. Section 480.6, subsection 2, Code 2024, is amended  
32 to read as follows:

33 2. *a.* The attorney general, upon the receipt of a  
34 complaint, may institute any legal proceedings necessary to  
35 enforce the penalty provisions of [this chapter](#).

1 b. At the direction of the attorney general, the utilities  
2 board shall investigate a violation of this chapter. Upon  
3 completion of the investigation, the utilities board  
4 shall submit to the attorney general a written summary of  
5 the investigation and all evidence acquired during the  
6 investigation, except as set forth in subsection 2, paragraph  
7 "c".

8 c. The utilities board may independently receive and  
9 investigate complaints alleging a violation of this chapter by  
10 a locator.

11 **Sec. 10. NEW SECTION. 480.11 Locator enforcement authority.**

12 1. A locator who operates in this state and engages in  
13 location services under a contract with an operator shall  
14 satisfy all of the following requirements:

15 a. Take responsibility for completing location services as  
16 required under section 480.4.

17 b. Correctly notify the notification center that a location  
18 service could not be completed due to a lack of response by the  
19 excavator and include in the notice the date, time, and method  
20 of the attempted contact with the excavator, and the name and  
21 contact information of any representative of the excavator.

22 2. A locator operating in this state is subject to  
23 enforcement requirements as established in chapter 476. Any  
24 enforcement action taken for a violation of this chapter by a  
25 locator shall be taken solely against the locator and not the  
26 operator.

27 **Sec. 11. UNDERGROUND FACILITY EXCAVATION MEETING.** The Iowa  
28 utilities board shall convene interested stakeholders before  
29 December 31, 2024, to discuss underground facility excavations,  
30 including subjects relating to forecasting and future projects,  
31 and operational challenges.>

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