

**House File 2581 - Introduced**

HOUSE FILE 2581  
BY COMMITTEE ON COMMERCE

(SUCCESSOR TO HSB 538)

**A BILL FOR**

1 An Act relating to required timing for notices regarding  
2 underground facility excavations and enforcement of  
3 excavation provisions, and including penalties.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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

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

8 NEW SUBSECTION. 5B. *“Locator”* means a person proposing to  
9 engage or engaging in the location and marking of underground  
10 facilities under contract with an operator. *“Locator”* does not  
11 include a person employed by an operator.

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

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

22 Sec. 3. Section 480.3, Code 2024, is amended by adding the  
23 following new subsection:

24 NEW SUBSECTION. 4. The center shall provide records to the  
25 utilities board upon request as a part of an investigation on  
26 behalf of the attorney general’s office.

27 Sec. 4. Section 480.4, subsection 1, paragraph a, Code 2024,  
28 is amended to read as follows:

29 a. Except as otherwise provided in ~~this section~~, prior to  
30 any excavation, an excavator shall contact the notification  
31 center and provide notice of the planned excavation occurring  
32 after a forty-eight-hour period. ~~This notice must be given~~  
33 ~~at least forty-eight hours prior to the commencement of the~~  
34 ~~excavation, excluding Saturdays, Sundays, and legal holidays.~~  
35 ~~Notices received after 5:00 p.m. shall be processed as if~~

1 ~~received at 8:00 a.m. the next business day.~~ The notice shall  
2 be valid for twenty calendar days ~~from the date~~ beginning on  
3 the day the notice was provided to the notification center  
4 forty-eight-hour period concludes, unless an excavator, at the  
5 time of providing notice to the notification center, agrees  
6 to extend the commencement date of the planned excavation  
7 beyond the forty-eight-hour period, in which case the  
8 twenty-calendar-day period shall begin on the day the excavator  
9 selected as the commencement date of the planned excavation.  
10 If all locating and marking of underground facilities is  
11 completed prior to the expiration of the forty-eight-hour  
12 period, the excavator may proceed with excavation upon being  
13 notified by the notification center that the locating and  
14 marking of all underground facilities is complete. The  
15 notification center shall establish a toll-free telephone  
16 number to allow excavators to provide the notice required  
17 pursuant to [this subsection](#).

18 Sec. 5. Section 480.4, subsection 3, paragraph a,  
19 subparagraphs (1) and (3), Code 2024, are amended to read as  
20 follows:

21 (1) An operator who receives notice from the notification  
22 center shall mark the horizontal location of the operator's  
23 underground facility and the excavator shall use due care in  
24 excavating in the marked area to avoid damaging the underground  
25 facility. The operator shall complete such locating and  
26 marking, and shall notify the notification center that the  
27 marking is complete within ~~forty-eight hours after receiving~~  
28 ~~the notice, excluding Saturdays, Sundays, and legal holidays,~~  
29 the forty-eight-hour period unless otherwise agreed by the  
30 operator and the excavator. No later than the expiration of  
31 the forty-eight-hour period, ~~excluding Saturdays, Sundays,~~  
32 ~~and legal holidays,~~ the notification center shall notify the  
33 excavator of the underground facility locating and marking  
34 status, or the failure of the operator to notify the center  
35 that the locating and marking is complete. The locating and

1 marking of the underground facilities shall be completed at no  
2 cost to the excavator. If, in the opinion of the operator, the  
3 planned excavation requires that the precise location of the  
4 underground facilities be determined, the excavator, unless  
5 otherwise agreed upon between the excavator and the operator,  
6 shall hand dig test holes to determine the location of the  
7 facilities unless the operator specifies an alternate method.

8 (3) ~~Unless otherwise agreed by the operator and excavator in~~  
9 ~~writing, no excavation shall be performed within twenty-five~~  
10 ~~feet of an underground natural gas transmission line as defined~~  
11 ~~in 49 C.F.R. §192.3~~ An excavation shall not be performed  
12 within twenty-five feet of an underground natural gas line  
13 operating at one hundred fifty pounds per square inch or  
14 greater and that is equal to or greater than two inches in  
15 diameter without a written agreement between the operator and  
16 the excavator unless a representative of the operator of the  
17 underground natural gas transmission line is present at the  
18 planned excavation area. This requirement shall not apply,  
19 however, when a representative of the operator fails to be  
20 present at the proposed excavation area at the time work is  
21 scheduled to commence or as otherwise agreed by the operator  
22 and excavator in writing. In this event, the excavator shall  
23 notify the operator that the representative failed to appear,  
24 and excavation operations can begin, provided the excavator  
25 uses due care to avoid damaging the underground facilities.

26 Sec. 6. Section 480.4, subsection 3, paragraph b, Code 2024,  
27 is amended to read as follows:

28 *b.* An operator who receives notice from the notification  
29 center and who determines that the operator does not have  
30 any underground facility located within the proposed area of  
31 excavation shall notify the notification center concerning  
32 this determination within ~~forty-eight hours after receiving~~  
33 ~~the notice, excluding Saturdays, Sundays, and legal holidays~~  
34 the forty-eight-hour period. No later than the expiration of  
35 the forty-eight-hour period, ~~excluding Saturdays, Sundays,~~

1 ~~and legal holidays,~~ the notification center shall notify the  
2 excavator that the operator does not have any underground  
3 facilities within the proposed area of excavation.

4 Sec. 7. Section 480.6, subsection 1, Code 2024, is amended  
5 by adding the following new paragraph:

6 NEW PARAGRAPH. *c.* If a locator violates a time limit set  
7 forth in this chapter or any rule established by the utilities  
8 board and a complaint relating to the violation is filed with  
9 the utilities board, the locator is subject to a civil penalty  
10 in an amount determined by the utilities board. A locator  
11 may receive a warning letter from the office of the attorney  
12 general in lieu of a penalty for the violation. A civil  
13 penalty imposed by the utilities board under this paragraph  
14 shall not exceed one hundred dollars for each violation for  
15 each day the violation continues, up to a maximum of five  
16 thousand dollars.

17 Sec. 8. Section 480.6, subsection 2, Code 2024, is amended  
18 to read as follows:

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

22 *b.* At the direction of the attorney general, the utilities  
23 board shall investigate a violation of this chapter. Upon  
24 completion of the investigation, the utilities board  
25 shall submit to the attorney general a written summary of  
26 the investigation and all evidence acquired during the  
27 investigation, except as set forth in subsection 2, paragraph  
28 "c".

29 *c.* The utilities board may independently receive,  
30 investigate, and enforce complaints alleging a violation of  
31 this chapter by a locator.

32 Sec. 9. NEW SECTION. **480.11 Locator enforcement authority.**

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

1 a. Take responsibility for completing location services as  
2 required under section 480.4.

3 b. Correctly notify the notification center that a location  
4 service could not be completed due to a lack of response by the  
5 excavator and include in the notice the date, time, and method  
6 of the attempted contact with the excavator, and the name and  
7 contact information of any representative of the excavator.

8 2. A locator operating in this state is subject to  
9 enforcement requirements as established in chapter 476. Any  
10 enforcement action taken for a violation of this chapter by a  
11 locator shall be taken solely against the locator and not the  
12 operator.

13 EXPLANATION

14 The inclusion of this explanation does not constitute agreement with  
15 the explanation's substance by the members of the general assembly.

16 This bill relates to required timing for notices regarding  
17 underground facility excavations.

18 The bill requires the statewide notification center (center)  
19 for underground facilities to include two members engaged in  
20 the business of land excavating on the board of directors.  
21 The center is required to provide the Iowa utilities board  
22 with requested records when the Iowa utilities board is  
23 investigating on behalf of the attorney general's office.

24 The bill modifies the requirement for an excavator or an  
25 operator to provide notice to the notification center prior  
26 to a planned excavation, after locating and marking the area  
27 for excavation, or when no underground facility is located in  
28 the proposed area. The bill defines a "locator" as a person  
29 who engages in locating and marking underground facilities  
30 under contract with but not employed by an operator. A  
31 notice for a planned excavation initiates a 48-hour period and  
32 other required notices must occur within the 48-hour period.  
33 A "forty-eight-hour period" is defined in the bill as 48  
34 consecutive hours beginning at 6:00 a.m. the next business day  
35 after the notification center receives a notice and excludes

1 Saturdays, Sundays, and legal holidays. The bill strikes  
2 language relating to the treatment of notices received by the  
3 notification center after 5:00 p.m. being processed as if  
4 received at 8:00 a.m. the following day.

5 The bill provides that notice shall be valid for 20 calendar  
6 days after the conclusion of the 48-hour period or on the  
7 excavation date selected by the excavator. Current law  
8 provides that notice is valid for 20 calendar days from the  
9 date the notice was provided to the notification center.

10 Current law provides that an excavation shall not be  
11 performed within 25 feet of an underground natural gas  
12 transmission line, as federally defined, without an agreement  
13 in writing by the operator and excavator. The bill refines the  
14 prohibition by limiting excavation performed within 25 feet  
15 of an underground natural gas line operating at 150 pounds  
16 per square inch or greater and that is two inches in diameter  
17 without a written agreement.

18 The bill provides penalties for locator violations including  
19 a warning letter or a civil penalty not to exceed \$100 for  
20 each violation up to \$5,000. The Iowa utilities board shall  
21 investigate violations of Code chapter 480 at the direction  
22 of the attorney general. The Iowa utilities board may  
23 independently investigate complaints alleging violations  
24 by a locator. The bill provides requirements for a locator  
25 contracted for location services.