

House Study Bill 538 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE
ON COMMERCE BILL BY
CHAIRPERSON LUNDGREN)

A BILL FOR

1 An Act relating to required timing for notices regarding
2 underground facility excavations.
3 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 subsection:

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 Sec. 2. Section 480.4, subsection 1, paragraph a, Code 2024,
9 is amended to read as follows:

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

28 Sec. 3. Section 480.4, subsection 3, paragraph a,
29 subparagraph (1), Code 2024, is amended to read as follows:

30 (1) An operator who receives notice from the notification
31 center shall mark the horizontal location of the operator’s
32 underground facility and the excavator shall use due care in
33 excavating in the marked area to avoid damaging the underground
34 facility. The operator shall complete such locating and
35 marking, and shall notify the notification center that the

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

17 Sec. 4. Section 480.4, subsection 3, paragraph b, Code 2024,
18 is amended to read as follows:

19 b. An operator who receives notice from the notification
20 center and who determines that the operator does not have
21 any underground facility located within the proposed area of
22 excavation shall notify the notification center concerning
23 this determination within ~~forty-eight hours after receiving~~
24 ~~the notice, excluding Saturdays, Sundays, and legal holidays~~
25 the forty-eight-hour period. No later than the expiration of
26 the forty-eight-hour period, ~~excluding Saturdays, Sundays,~~
27 ~~and legal holidays,~~ the notification center shall notify the
28 excavator that the operator does not have any underground
29 facilities within the proposed area of excavation.

30 EXPLANATION

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

33 This bill relates to required timing for notices regarding
34 underground facility excavations.

35 The bill modifies the requirement for an excavator or an

1 operator to provide notice to the notification center prior to
2 a planned excavation, after locating and marking the area for
3 excavation, or when no underground facility is located in the
4 proposed area. A notice for a planned excavation initiates a
5 48-hour period and other required notices must occur within the
6 48-hour period. A "forty-eight-hour period" is defined in the
7 bill as 48 consecutive hours beginning at 6:00 a.m. the next
8 business day after the notification center receives a notice
9 and excludes Saturdays, Sundays, and legal holidays. The bill
10 strikes language relating to the treatment of notices received
11 by the notification center after 5:00 p.m. being processed as
12 if received at 8:00 a.m. the following day.

13 The bill provides that notice shall be valid for 20 calendar
14 days after the conclusion of the 48-hour period. Current law
15 provides that notice is valid for 20 calendar days from the
16 date the notice was provided to the notification center.