

**Senate Study Bill 1199 - Introduced**

SENATE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE  
ON COMMERCE BILL BY  
CHAIRPERSON BROWN)

**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, subsection 5, Code 2023, is  
2 amended to read as follows:

3 5. *“Excavator”* means a person proposing to engage or  
4 engaging in excavation, including a person acting under a  
5 contract with an excavator.

6 Sec. 2. Section 480.1, Code 2023, is amended by adding the  
7 following new subsection:

8 NEW SUBSECTION. 5A. *“Forty-eight hours”* or *“forty-eight-hour*  
9 *period”* means a period of time of forty-eight consecutive  
10 hours, not including the hours on the date of notification, the  
11 twenty-four hours on Saturdays or Sundays, and the hours of a  
12 legal holiday.

13 Sec. 3. Section 480.4, subsection 1, paragraph a, Code 2023,  
14 is amended to read as follows:

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

32 Sec. 4. Section 480.4, subsection 1, paragraph b,  
33 subparagraph (4), Code 2023, is amended to read as follows:

34 (4) The type, depth, and extent of the proposed excavation.

35 Sec. 5. Section 480.4, subsection 1, paragraph c,

1 subparagraph (4), Code 2023, is amended to read as follows:

2 (4) The type, depth, and extent of the proposed excavation.

3 Sec. 6. Section 480.4, subsection 3, paragraph a,

4 subparagraph (1), Code 2023, is amended to read as follows:

5 (1) An operator who receives notice from the notification  
6 center shall mark the horizontal location of the operator's  
7 underground facility and the excavator shall use due care  
8 in excavating in the marked area to avoid damaging the  
9 underground facility. The operator shall complete such  
10 locating and marking, and shall notify the notification  
11 center that the marking is complete within forty-eight hours  
12 after receiving the notice, ~~excluding Saturdays, Sundays,~~  
13 ~~and legal holidays,~~ unless otherwise agreed by the operator  
14 and the excavator. No later than the expiration of the  
15 forty-eight-hour period, ~~excluding Saturdays, Sundays, and~~  
16 ~~legal holidays,~~ the notification center shall notify the  
17 excavator of the underground facility locating and marking  
18 status, or the failure of the operator to notify the center  
19 that the locating and marking is complete. The locating and  
20 marking of the underground facilities shall be completed at no  
21 cost to the excavator. If, in the opinion of the operator, the  
22 planned excavation requires that the precise location of the  
23 underground facilities be determined, the excavator, unless  
24 otherwise agreed upon between the excavator and the operator,  
25 shall hand dig test holes to determine the location of the  
26 facilities unless the operator specifies an alternate method.

27 Sec. 7. Section 480.4, subsection 3, paragraph b, Code 2023,  
28 is amended to read as follows:

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

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

5 EXPLANATION

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

8 This bill relates to required timing for notices regarding  
9 underground facility excavations.

10 The bill modifies the definition of "excavator" to include  
11 a person acting under a contract with an excavator. The bill  
12 defines "forty-eight hours" to mean a period of time that is  
13 48 consecutive hours, but not including the hours on the date  
14 of notification, the 24 hours on Saturdays or Sundays, or the  
15 hours of a legal holiday (48-hour period).

16 The bill strikes language relating to the treatment of  
17 notices received by the center after 5:00 p.m. The bill  
18 provides that a notice shall be valid for 20 calendar days  
19 after the conclusion of the 48-hour period. Current law  
20 provides that a notice is valid for 20 calendar days from the  
21 date the notice was provided to the notification center.

22 The bill includes that a notice must include the anticipated  
23 depth of the excavation.