

**House File 2581 - Reprinted**

HOUSE FILE 2581  
BY COMMITTEE ON COMMERCE

(SUCCESSOR TO HSB 538)

(As Amended and Passed by the House February 29, 2024)

**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 or employed by an operator.

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

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

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

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

29 b. The center shall establish a communication system to  
30 facilitate the provision of notice by operators, locators, and  
31 excavators.

32 Sec. 4. Section 480.3, Code 2024, is amended by adding the  
33 following new subsection:

34 NEW SUBSECTION. 4. The center shall provide records to the  
35 utilities board upon request as a part of an investigation on

1 behalf of the attorney general's office.

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

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

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

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

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

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

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

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

1 event, the excavator shall notify the operator that the  
2 representative failed to appear, and excavation operations can  
3 begin, provided the excavator uses due care to avoid damaging  
4 the underground facilities.

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

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

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

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

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

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

33 *b.* At the direction of the attorney general, the utilities  
34 board shall investigate a violation of this chapter. Upon  
35 completion of the investigation, the utilities board

1 shall submit to the attorney general a written summary of  
2 the investigation and all evidence acquired during the  
3 investigation, except as set forth in subsection 2, paragraph  
4 "c".

5 c. The utilities board may independently receive and  
6 investigate complaints alleging a violation of this chapter by  
7 a locator.

8 Sec. 10. NEW SECTION. 480.11 Locator enforcement authority.

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

12 a. Take responsibility for completing location services as  
13 required under section 480.4.

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

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

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