

SS SCS SB 133 -- UNDERGROUND FACILITIES

SPONSOR: Fitzwater

COMMITTEE ACTION: Voted "Do Pass" by the Standing Committee on Utilities by a vote of 20 to 0. Voted "Do Pass" by the Standing Committee on Rules-Legislative by a vote of 8 to 0.

This bill requires an underground facility owner to ensure that all new and active underground facilities, except certain storm sewers and sanitary sewer mains and laterals, installed after August 28, 2025, be installed with a detectable underground location device unless the facility is capable of being detected from above ground with an electronic locating device.

The bill modifies the composition of the Board of Directors for the notification center. The board must have at least four voting directors from other damage prevention stakeholders within the construction industry, of which three must be from a heavy civil, site grading, road or highway contractor, and one must be from a utility or underground contractor. None of the directors appointed from the construction industry will work for a contractor that owns or operates an underground facility.

Notice provided to the notification center is valid until 11:59 p.m., 21 days from the start date of work.

When the location of the planned excavation cannot be clearly identified, the excavator can designate the planned excavation route or area to be excavated by means specified in the bill and provide the information to the notification center before or with the notice of intent to excavate.

The bill requires the location of underground facilities provided by a facility owner or operator to any person engaging in scheduled excavating be accurate. If any underground facility becomes damaged by an excavator due to the furnishing of inaccurate information as to its location by the facility owner or operator, the excavator would not be liable for the damage to the underground facility as a result of the excavating, provided that the excavating complies with the safety and notice requirements and current law and there is no evidence visible and obvious to the excavator of the presence of a mismarked underground facility.

Currently, the failure of an underground facility owner to mark his or her facilities or to become a participant in the notification system is a rebuttable presumption of negligence on the part of the owner. The bill adds a locator or other contractor engaged by the

facility owner in the event the failure causes injury, loss, or damage.

This bill is the same as HCS HB 752 (2025) and similar to HB 2329 (2024) and SB 1315 (2024).

PROPONENTS: Supporters say that the notification center was established in the 1970s and the industry has changed since it was first created. This bill is a compromise between all stakeholders and will increase efficiency and safety in the program. The bill also incorporates best practices by reference so that the program can adopt new recommended practices without the need for legislative action.

Testifying in person for the bill were Senator Fitzwater; Randy Norden, Missouri 811; Edward J Twehous, Associated General Contractors of Missouri; and Arnie Dienoff.

OPPONENTS: There was no opposition voiced to the committee.

Written testimony has been submitted for this bill. The full written testimony and witnesses testifying online can be found under Testimony on the bill page on the House website.