

SS SCS SB 133 -- UNDERGROUND FACILITIES

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, feature 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 that 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 will 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).