

## **House Amendments to Senate Bill No. 2102**

**TO THE SECRETARY OF THE SENATE:**

**THIS IS TO INFORM YOU THAT THE HOUSE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:**

### **AMENDMENT NO. 1**

**Amend by striking all after the enacting clause and inserting in lieu thereof the following:**

42           **SECTION 1.** Section 77-13-3, Mississippi Code of 1972, is  
43 amended as follows:

44           77-13-3. The words defined in this section shall have the  
45 following meanings when found in this chapter:

46                   (a) "Abandoned facility" means any underground utility  
47 line or underground utility facilities no longer used in the  
48 conduct of the owner/operator's business and are not intended to  
49 be used in the future.

50                   (b) "Approximate location of underground utility lines  
51 or underground facilities" means information about an operator's  
52 underground utility lines or underground facilities which is  
53 provided to a person by an operator and must be accurate within  
54 eighteen (18) inches measured horizontally from the outside edge  
55 of each side of such operator's facility, or a strip of land  
56 eighteen (18) inches either side of the operator's field mark, or  
57 the marked width of the facility or line plus eighteen (18) inches  
58 on each side of the marked width of the facility or line.

59 (c) "Board" means the Underground Facilities Damage  
60 Prevention Board, created by Section 77-13-29.

61 (d) "Calendar day" means a twenty-four-hour period.

62 (e) "Commission" means the Mississippi Public Service  
63 Commission.

64 (f) "Damage" means the substantial weakening of  
65 structural or lateral support of underground utility lines and  
66 underground facilities, penetration or destruction of any  
67 protective coating, housing or other protective devices of an  
68 underground utility line or underground facility, and the partial  
69 or complete severance of any underground utility line or  
70 underground facility, but does not include any operator's  
71 abandoned facility.

72 (g) "Design Information Request" means a notification  
73 made to Mississippi 811, Incorporated, by a person providing  
74 professional services and making a request in preparation for  
75 bidding, preconstruction engineering, or other advance planning  
76 efforts that do not involve excavation. A design information  
77 services request may not be used for excavation purposes.

78 (h) "Emergency excavation" means excavation at times of  
79 emergency involving imminent danger to life, health or property or  
80 a customer service outage.

81 (i) "Excavate or excavation" means any operation in  
82 which earth, rock or other material or mass of material on or  
83 below the ground is moved or otherwise displaced by any means,  
84 except: (i) the tilling of the soil less than twenty-four (24)

85 inches in depth for agricultural purposes; or (ii) an operation in  
86 which earth, rock or other material or mass of material on or  
87 below the ground is moved or otherwise displaced to a depth of  
88 less than twelve (12) inches on private property by the property  
89 owner without the use of mechanical excavating equipment; or (iii)  
90 an operation in which earth, rock or other material or mass of  
91 material on or below the ground is moved or otherwise displaced  
92 without the use of mechanical excavating equipment to a depth of  
93 less than twelve (12) inches on private property by an excavator  
94 who is not the property owner, except when such excavation is in a  
95 clearly marked underground facility right-of-way; or (iv) routine  
96 railroad maintenance activities conducted within the track  
97 structure, drainage ditches, or within the railroad right-of-way a  
98 distance not to exceed thirty (30) feet from the outside rail of  
99 the outermost track or tracks, provided this work is performed by  
100 railroad employees or railroad contractors and is carried out with  
101 reasonable care so as to protect any underground facilities  
102 properly installed in the railroad right-of-way by agreement with  
103 the railroad; or (v) routine activities of a cemetery, provided  
104 that for any cemetery that begins or expands after July 1, 2015,  
105 such activities occur only after initial notice is provided to  
106 Mississippi 811, Incorporated, and all affected operators have  
107 advised that there are no underground facilities within the  
108 boundaries of the subject cemetery; or (vi) routine maintenance  
109 activities carried out by or for those responsible for publicly  
110 maintained roadways and rights-of-way, provided that the

111 activities occur entirely within the public right-of-way and do  
112 not penetrate the earth to a depth of more than twelve (12) inches  
113 and are carried out with reasonable care so as to protect any  
114 underground facilities placed in the right-of-way. Routine  
115 maintenance activities shall be more specifically described in the  
116 rules and regulations adopted by the board; or (vii) the driving  
117 of wooden stakes by use of hand tools which do not penetrate the  
118 earth to a depth of not more than six (6) inches. The term  
119 "excavate" shall include, but not be limited to, the operations of  
120 demolition, blasting, grading, land leveling, trenching, digging,  
121 ditching, drilling, augering, tunneling, scraping, cable or pipe  
122 plowing, driving, jacking, wrecking, razing, rending, moving or  
123 removing any structure or other material or mass of material on or  
124 below the ground.

125 (j) "Excavator" means any person who engages directly  
126 in excavation.

127 (k) "Mark" means the use of stakes, paint or other  
128 clearly identifiable materials to show the field location of  
129 underground facilities in accordance with the current color code  
130 standard of the American Public Works Association, or the  
131 uncovering or exposing of underground facilities so that the  
132 excavator may readily see the location of same, or the pointing  
133 out to the excavator of certain aboveground facilities such as,  
134 but not limited to, manhole covers, valve boxes and pipe and cable  
135 risers, which indicate the location of underground facilities.

136           (1) "Mechanical excavating equipment" means all  
137 equipment powered by any motor, engine, or hydraulic or pneumatic  
138 device used for excavating and shall include, but not be limited  
139 to, trenchers, bulldozers, backhoes, power shovels, scrapers,  
140 draglines, clam shells, augers, drills, cable and pipe plows and  
141 other plowing-in or pulling-in equipment.

142           (m) "Mississippi 811, Incorporated" means a nonprofit  
143 corporation organized under the laws of the State of Mississippi  
144 that provides a service through which a person shall notify the  
145 operator(s) of underground facilities of plans to excavate and  
146 request marking of facilities.

147           (n) "Mississippi One-Call System, Incorporated" means  
148 "Mississippi 811, Incorporated" Whenever the term "Mississippi  
149 One-Call System, Incorporated" appears in this chapter, the term  
150 shall mean "Mississippi 811, Incorporated"

151           (o) "Operator" means any person who owns or operates a  
152 utility. However, the term "operator" shall not include any  
153 railroad or the Mississippi Department of Transportation.

154           (p) "Person" means any individual, firm, partnership,  
155 association, trustee, receiver, assignee, corporation, entity,  
156 limited liability company, utility, joint venture, municipality,  
157 state governmental unit, subdivision or instrumentality of the  
158 state, or any legal representative thereof.

159           (q) "Pipeline Safety Division" means the Pipeline  
160 Safety Division of the Public Service Commission.

161           (r) "Positive Response Information System" or "PRIS"  
162 means an automated information system operated and maintained by  
163 Mississippi 811, Incorporated, that allows excavators, locators,  
164 facility owners or operators, and other affected parties to enter  
165 and/or determine the status of a locate request.

166           (s) "Underground facility" means any underground  
167 utility lines and other items which shall be buried or placed  
168 below ground or submerged for use in connection with underground  
169 utility lines and including, but not be limited to, pipes, sewers,  
170 conduits, cables, valves, lines, wires, manholes, vaults,  
171 attachments and those portions of poles below the ground.

172           (t) "Underground utility lines" means underground or  
173 buried cable, conduit pipes and related facilities for  
174 transportation and delivery of electricity, telecommunications  
175 (including fiber optics), water, sewage, gas, mixtures of gases,  
176 petroleum, petroleum products or hazardous, flammable, toxic or  
177 corrosive liquids.

178           (u) "Utility" means any person who supplies,  
179 distributes or transports by means of underground utility lines or  
180 underground facilities any of the following materials or services:  
181 gas, mixture of gases, petroleum, petroleum products or hazardous,  
182 toxic, flammable or corrosive liquids, electricity,  
183 telecommunications (including fiber optics), sewage, drainage,  
184 water, steam or other substances.

185           (v) "Working day" means a twenty-four-hour period  
186 commencing from the time the locate request is processed or

187 entered into the system by Mississippi 811, Incorporated, in  
188 accordance with this chapter, excluding Saturdays, Sundays and  
189 legal holidays.

190 (w) "Impending Emergency" means circumstances potentially  
191 dangerous to life, health, property, or loss of customer services,  
192 which would likely develop into an emergency, as defined in  
193 Section 77-13-11, if excavation is not initiated sooner than the  
194 normal notification requirements allow.

195 **SECTION 2.** Section 77-13-5, Mississippi Code of 1972, is  
196 amended as follows:

197 77-13-5. (1) In addition to complying with all other  
198 applicable regulations and requirements of federal, state, county  
199 and municipal authorities, no person shall engage in excavation of  
200 any kind, before meeting the notification requirements of this  
201 chapter. Under this chapter the excavator shall:

202 (a) Inform himself/herself of the presence and location  
203 of any underground utility lines and underground facilities in or  
204 near the area where excavation is to be conducted;

205 (b) Plan and conduct the excavation to avoid or  
206 minimize interference with or damage to underground utility lines  
207 and underground facilities in or near the excavation area;  
208 maintain a clearance between any underground utility line or  
209 underground facility and the cutting edge or point of any  
210 mechanical excavating equipment, taking into account the known  
211 limit of control of such cutting edge or point, as may be  
212 reasonably necessary to avoid damage to such facility; and provide

213 such support for underground utility lines or underground  
214 facilities in and near the excavation area, including during any  
215 backfilling operations, as may be reasonably necessary for the  
216 protection of such facilities.

217 (c) Except as provided in Section 77-13-11, before  
218 beginning any excavation, other than an impending emergency as  
219 defined in Section 77-13-3, provide not less than \* \* \* three (3)  
220 and not more than ten (10) working days' advance written,  
221 electronic or telephonic notice of the commencement, extent,  
222 location and duration of the excavation work to Mississippi 811,  
223 Incorporated, so that Mississippi 811, Incorporated, operator(s)  
224 may locate and mark the location of underground utility lines and  
225 underground facilities in the excavation area.

226 The written, electronic or telephonic notice required by this  
227 paragraph (c) shall contain the name, address and telephone number  
228 of the person filing the notice of intent, the person responsible  
229 for the excavation, the starting date, anticipated duration, type  
230 of excavation to be conducted, the location of the proposed  
231 excavation and whether or not explosives are to be used.

232 (d) Provide advance written, electronic or telephonic  
233 notice of the commencement, extent, location and duration of the  
234 excavation work to Mississippi 811, Incorporated, for excavations  
235 required due to an impending emergency, that includes an  
236 excavation start time that is not less than twelve (12) hours from  
237 the time of notices provided between 8:00 p.m. and 11:59 a.m., and  
238 not sooner than 8:00 a.m., on the next calendar day for notices

239 provided between 12:00 p.m. and 7:59 p.m., so that Mississippi  
240 811, Incorporated, operators may locate and mark the location of  
241 underground utility lines and underground facilities in the  
242 excavation area.

243 In addition to the written, electronic or telephonic notice  
244 information required in subsection (1)(c), the excavator shall  
245 also provide contact information for a person readily available to  
246 discuss the impending emergency excavation with operators.

247 (2) The markings provided by operators and the locate  
248 request number shall only be valid for a period of fourteen (14)  
249 calendar days from the date and time the locate request ticket is  
250 processed or entered into the system by Mississippi 811,  
251 Incorporated. The person responsible for the excavation project  
252 shall renew the notification with Mississippi 811, Incorporated,  
253 at least \* \* \* three (3) and not more than \* \* \* four (4) working  
254 days prior to this expiration date and shall continue to renew  
255 such notification in the same manner throughout the duration of  
256 the excavation. Such renewal notice shall be valid for a period  
257 of fourteen (14) calendar days from the date and time the renewal  
258 locate request is processed or entered into the system by  
259 Mississippi 811, Incorporated.

260 (3) Compliance with the notice requirements of this section  
261 shall not be required of: (a) persons plowing less than  
262 twenty-four (24) inches in depth for agricultural purposes; (b)  
263 persons who are moving or otherwise displacing, by hand, earth,  
264 rock or other material or mass of material on or below the ground

265 at a depth of less than twelve (12) inches on property they own;  
266 and (c) persons, other than the property owner, who are moving or  
267 otherwise displacing, by hand, earth, rock or other material or  
268 mass of material on or below the ground at a depth of less than  
269 twelve (12) inches, except when such excavation is in a clearly  
270 marked underground facility right-of-way.

271 (4) A person may make a written, electronic or telephonic  
272 design information request to Mississippi 811, Incorporated, so  
273 that owners and operators of utilities may locate underground  
274 utility lines and underground facilities in the design information  
275 area. The design information request shall contain the name,  
276 address, and telephone number of the person making the request,  
277 the type of project planned, and a description of the area to be  
278 located with sufficient particularity to enable the utility owner  
279 or operator to ascertain the precise tract or parcel of land  
280 involved.

281 **SECTION 3.** Section 77-13-9, Mississippi Code of 1972, is  
282 amended as follows:

283 77-13-9. (1) Every person owning or operating underground  
284 utility lines or underground facilities shall, upon receiving  
285 advance notice of the commencement of excavation, in accordance  
286 with Section 77-13-5, make an investigation, and shall report  
287 through the use of the PRIS the status of the work performed,  
288 within \* \* \* three (3) working days from the time notice is  
289 provided in accordance with this chapter to Mississippi 811,  
290 Incorporated, to determine the approximate location of its

291 underground utility lines or underground facilities in the area of  
292 the proposed excavation, and shall either: (a) mark the  
293 approximate location of underground utility lines and underground  
294 facilities in or near the area of the excavation, so as to enable  
295 the person engaged in excavation work to locate the lines and  
296 facilities in advance of and during the excavation work and notify  
297 the excavator through the PRIS that the facilities have been  
298 marked; (b) advise through the PRIS that it has no underground  
299 utility lines or underground facilities in the excavation area; or  
300 (c) advise through the PRIS that it can locate its underground  
301 utility lines or underground facilities in the excavation area  
302 only by excavation. If an operator can locate its underground  
303 utility lines or underground facilities in the excavation area  
304 only by excavation and has given proper notice of such, that  
305 operator shall be allowed a reasonable amount of additional time,  
306 not to exceed four (4) working days from the day the original  
307 notice was provided in accordance with this chapter, to mark the  
308 approximate location of the underground utility lines or  
309 underground facilities.

310 (2) In lieu of such marking, the operator may request to be  
311 present at the site upon commencement of the excavation, so long  
312 as the operator complies within \* \* \* three (3) working days of  
313 the receipt of the notice.

314 (3) When an excavator, upon arriving at an excavation site,  
315 sees evidence of unmarked underground utility lines or underground  
316 facilities or encounters an unmarked underground utility line or

317 underground facility on an excavation site after excavation has  
318 commenced where notice of intent has been made in accordance with  
319 the provisions of this chapter, that excavator must immediately  
320 contact Mississippi 811, Incorporated. All operator(s) thus  
321 notified must contact the excavator within \* \* \* two (2) hours and  
322 inform the excavator of any of their known underground facilities,  
323 active or abandoned, at the site of the excavation.

324 (4) When marking the approximate location of the facilities,  
325 the operator shall follow the color code designated and described  
326 herein, unless otherwise provided for by specific administrative  
327 rule or regulation promulgated pursuant to this chapter, namely:

328 UTILITY OR TYPE OF FACILITY	GROUP IDENTIFYING COLOR
329 Electric	Safety Red
330 Petroleum Product/Hazardous/ 331 Flammable/Corrosive/Toxic 332 Materials, Product and Steam 333 Lines, Gas or Gaseous Material	High Visibility Safety 334 Yellow
335 Telecommunications (including fiber 336 optics) and CATV	Safety Alert Orange
337 Potable Water	Safety Precaution Blue
338 Reclaimed Water, Irrigation, 339 Slurry Lines	Purple
340 Sewer and Drain Lines	Safety Green
341 Temporary Survey Markings	High Visibility Pink
342 Proposed Excavation	White

343 (5) All utility facilities installed by owners or operators  
344 of utilities on or after January 1, 2010, shall be installed in  
345 such manner that the utility facility may be located by using a  
346 generally accepted electronic locating method.

347 (6) Except for emergency excavations, if, before the  
348 expiration of the \* \* \* three (3) working days' waiting period,  
349 all identified facility owners or operators have responded to the  
350 locate request and all have indicated that their facilities are  
351 either not in conflict or have been marked as indicated through  
352 the use of the PRIS, then the person planning to perform  
353 excavation or blasting shall be authorized to commence work,  
354 subject to the other requirements of this section, without waiting  
355 the full \* \* \* three (3) working days.

356 (7) Upon receiving a design information request, the utility  
357 owner or operator shall within seven (7) working days from the  
358 time notice is provided in accordance with this chapter to  
359 Mississippi 811, Incorporated, respond by one (1) of the following  
360 methods: (a) marking the approximate location of its underground  
361 utility lines and underground facilities in the area in accordance  
362 with subsection (1) of this section; (b) providing to the person  
363 making the design information request the best available  
364 description of its underground utility lines and underground  
365 facilities in the area which may include drawings or other records  
366 maintained by the utility owner or operator; or (c) allowing the  
367 person making the design information request or any other  
368 authorized person to inspect or copy the drawings or other records

369 for all underground utility lines and utility facilities in the  
370 area.

371 (8) Every person owning or operating underground utility  
372 lines or underground facilities shall, upon receiving advance  
373 notice of the commencement of impending emergency excavation,  
374 make an investigation, and report through the use of the PRIS the  
375 status of the work performed, prior to the noticed time of  
376 excavation provided to Mississippi 811, Incorporated, to determine  
377 the approximate location of its underground utility lines or  
378 underground facilities in the area of the proposed excavation, and  
379 shall either:

380 (a) Mark the approximate location of underground  
381 utility lines and underground facilities in or near the area of  
382 the excavation, so as to enable the person engaged in excavation  
383 work to locate the lines and facilities in advance of and during  
384 the excavation work, and notify the excavator through the PRIS  
385 that the facilities have been marked; or

386 (b) Advise through the PRIS that it has no underground  
387 utility lines or underground facilities in the excavation area.

388 **SECTION 4.** Section 77-13-11, Mississippi Code of 1972, is  
389 amended as follows:

390 77-13-11. (1) The advance notice provisions of this chapter  
391 shall not apply to any person making an emergency excavation at  
392 times of emergency involving an imminent danger to life, health or  
393 property or a customer service outage. However, every person who  
394 shall engage in such emergency excavation shall take all necessary

395 and reasonable precautions to avoid or minimize interference with  
396 or damage to existing underground utility lines and underground  
397 facilities in and near the excavation area, and shall notify  
398 Mississippi 811, Incorporated, of the specifically designated  
399 emergency excavation as promptly as reasonably possible \* \* \* so  
400 that operators may locate and mark the location of underground  
401 utility lines and underground facilities in the specifically  
402 designated emergency excavation area. In the event of damage to  
403 or dislocation of any underground utility lines or underground  
404 facilities caused by any such emergency excavation work, the  
405 person responsible for the excavation shall immediately notify the  
406 operator of the damaged or dislocated underground facilities of  
407 the damage or dislocation.

408 (2) An imminent danger to life, health, property or customer  
409 service exists whenever there is a substantial likelihood that  
410 injury, loss of life, health or customer services, or substantial  
411 property loss could result before the person responsible for the  
412 excavation or demolition can fully comply with the notification  
413 and response procedures required in Sections 77-13-7 and 77-13-17.

414 (3) Any misrepresentation of either an emergency excavation  
415 or an impending emergency as defined in Section 77-13-3, shall  
416 constitute a violation of this act.

417 **SECTION 5.** Section 77-13-7, Mississippi Code of 1972, is  
418 amended as follows:

419 77-13-7. (1) Each person responsible for any excavation  
420 that results in damage to an underground utility line or

421 underground facility, immediately upon discovery of such damage,  
422 shall notify Mississippi 811, Inc., and notify all operators of  
423 such damaged line or facility of the location of the damage and  
424 shall allow the operator reasonable time to accomplish any  
425 necessary repairs before completing the excavation in the  
426 immediate area of the damage to such line or facility.

427 (2) Each person responsible for any excavation that results  
428 in damage to an underground pipeline or underground facility  
429 permitting the escape of any hazardous, flammable, toxic or  
430 corrosive gas or liquid shall, immediately upon discovery of such  
431 damage, call 911 and then notify Mississippi 811, Inc., and the  
432 operator and take other action as may reasonably be necessary to  
433 protect persons and property and to minimize the hazards, until  
434 arrival of the operator's personnel and the police or fire  
435 departments.

436 (3) Except where the excavator has fully complied with the  
437 provisions of Section 77-13-5 and subsections (1) and (2) of this  
438 section, each person responsible for excavation that results in  
439 damage to an underground line or underground facility, except the  
440 property owner, unless the property owner is the excavator, shall  
441 be responsible for any and all costs and expenses incurred by the  
442 operator in restoring, correcting, repairing or replacing the  
443 damaged line or facility.

444 (4) In the event that an operator brings a lawsuit to  
445 enforce compliance with this section, then the prevailing party in  
446 any such lawsuit shall be awarded its legal costs, expenses, and

447 fees, including reasonable attorney's fees, incurred in connection  
448 with such lawsuit. If more than one (1) party is found to be  
449 responsible, the costs, expenses, and fees, including reasonable  
450 attorney's fees, shall be equitably apportioned among the  
451 responsible parties.

452 **SECTION 6.** This act shall take effect and be in force from  
453 and after July 1, 2023.

**Further, amend by striking the title in its entirety and  
inserting in lieu thereof the following:**

1 AN ACT TO AMEND SECTION 77-13-3, MISSISSIPPI CODE OF 1972, TO  
2 DEFINE THE TERM "IMPENDING EMERGENCY"; TO AMEND SECTION 77-13-5,  
3 MISSISSIPPI CODE OF 1972, TO EXTEND THE PRE-EXCAVATION ADVANCE  
4 NOTIFICATION PERIOD FROM TWO WORKING DAYS TO THREE WORKING DAYS;  
5 TO REQUIRE EXCAVATORS TO PROVIDE ADVANCE NOTICE OF THE  
6 COMMENCEMENT, EXTENT, LOCATION AND DURATION OF THE EXCAVATION WORK  
7 TO MISSISSIPPI 811, INCORPORATED FOR EXCAVATIONS REQUIRED DUE TO  
8 AN IMPENDING EMERGENCY, THAT INCLUDES AN EXCAVATION START TIME AT  
9 LEAST TWELVE HOURS PRIOR TO EXCAVATION; TO REQUIRE EXCAVATORS TO  
10 PROVIDE CONTACT INFORMATION FOR A PERSON READILY AVAILABLE TO  
11 DISCUSS THE IMPENDING EMERGENCY EXCAVATION WITH OPERATORS; TO  
12 INCREASE THE DAYS THAT THE PERSON RESPONSIBLE FOR THE EXCAVATION  
13 PROJECT IS REQUIRED TO RENEW NOTIFICATION WITH MISSISSIPPI 811,  
14 INCORPORATED, FROM AT LEAST TWO DAYS AND NOT MORE THAN THREE DAYS,  
15 TO AT LEAST THREE DAYS AND NOT MORE THAN FOUR DAYS PRIOR TO THE  
16 NOTIFICATION EXPIRATION DATE; TO AMEND SECTION 77-13-9,  
17 MISSISSIPPI CODE OF 1972, TO INCREASE THE DAYS FROM TWO DAYS TO  
18 THREE DAYS THAT A PERSON OWNING OR OPERATING UNDERGROUND UTILITY  
19 LINES OR UNDERGROUND FACILITIES SHALL MAKE AN INVESTIGATION AND  
20 REPORT THROUGH THE USE OF THE PRIS THE STATUS OF THE WORK  
21 PERFORMED FROM THE TIME NOTICE IS PROVIDED TO MISSISSIPPI 811; TO  
22 DECREASE THE HOURS FROM FOUR HOURS TO TWO HOURS THAT OPERATORS  
23 MUST CONTACT THE EXCAVATOR TO INFORM HIM OR HER OF ANY KNOWN  
24 UNDERGROUND FACILITIES AT THE SITE OF THE EXCAVATION; TO REQUIRE  
25 THAT A PERSON OWNING OR OPERATING UNDERGROUND UTILITY LINES OR  
26 UNDERGROUND FACILITIES SHALL, UPON RECEIVING ADVANCE NOTICE OF THE  
27 COMMENCEMENT OF IMPENDING EMERGENCY EXCAVATION MAKE AN  
28 INVESTIGATION AND REPORT THROUGH PRIS THE STATUS OF THE WORK  
29 PERFORMED, PRIOR TO THE NOTICED TIME OF EXCAVATION PROVIDED TO  
30 MISSISSIPPI 811, INCORPORATED, AND EITHER MARK THE APPROXIMATE  
31 LOCATION OF UNDERGROUND UTILITY LINES AND UNDERGROUND FACILITIES  
32 IN OR NEAR THE AREA OF THE EXCAVATION, OR ADVISE THROUGH PRIS THAT

33 IT HAS NO UNDERGROUND UTILITY LINES OR UNDERGROUND FACILITIES IN  
34 THE EXCAVATION AREA; TO AMEND SECTION 77-13-11, MISSISSIPPI CODE  
35 OF 1972, TO PROVIDE THAT ANY MISREPRESENTATION OF AN EMERGENCY  
36 EXCAVATION OR OF AN IMPENDING EMERGENCY CONSTITUTES A VIOLATION OF  
37 THIS ACT; TO AMEND SECTION 77-13-7, MISSISSIPPI CODE OF 1972, TO  
38 PROVIDE THAT IF AN OPERATOR BRINGS A LAWSUIT TO ENFORCE THE  
39 PROVISIONS OF THIS SECTION, THE PREVAILING PARTY SHALL BE AWARDED  
40 LEGAL COSTS, EXPENSES AND FEES; AND FOR RELATED PURPOSES.

HR43\SB2102A.1J

Andrew Ketchings  
Clerk of the House of Representatives