

§12-101. – Definitions

“Emergency” means a sudden or unexpected occurrence involving a clear and imminent danger demanding immediate action to prevent or mitigate loss of, or injury to, life, health, property, or an essential public service.”

“Extent of work” means a clear and concise description of work to be done at a property, including the property address or specific distance and direction from a specified point, not to exceed 1,320 feet, that completely depicts the scope of work, and that the excavator can complete within the designated life of the ticket.”

§12-121. – Emergency excavation or demolition

The owner–member or its contract locator shall:

respond as soon as possible but not later than 2 hours from the transmission of the ticket, and

begin the locating process within 3 hours after the transmission of the ticket; or

clear the ticket within 3 hours after the transmission of the ticket if they have no underground facilities in the area

“The person responsible for the excavation

shall be on site or in communication with the owner–member, their contract locator, or their representative within 3 hours after the transmission of the ticket by the one–call center, or a mutually agreed response time.”

Caveat - “except for circumstances beyond an owner–member’s or contract locator’s control and for municipal corporations, considering the hours of operation and availability of employees”

Protection – “if all reasonable precautions have been taken to protect underground facilities, § 12–120(a) of this subtitle...through 12–135 of this subtitle do not apply to an emergency excavation or demolition being performed to prevent danger to life, health, or property.”

§12-124. – Notice to the one-call system

“Before performing excavation or demolition in the State, a person:

may add a temporary excavator to an existing ticket. (Not yet available but hopefully sometime in February)

NEW §12–130. – Primary contractors and Temporary Excavators

“This section applies to a primary contractor that:

performs the excavation duties for the duration of a ticket;

initiates the notification to the one–call system to establish a ticket;

is on site to supervise all activities and employees; and

intends to utilize services or equipment of a temporary excavator.”

“A primary contractor... SHALL:

notify the one–call system when a temporary excavator is to begin work...;

inform the temporary excavator of the exact scope of work as detailed on the existing ticket;

directly supervise the on–site activities of the temporary excavator; and

assume all liability if damage should occur to an underground facility by any person named as a temporary excavator on the existing ticket...”

“...only one temporary excavator...” can be named “...for the duration of the ticket.”

“...a primary contractor does not include a private homeowner...”

“A temporary excavator may be:

a piece of rental equipment and its operator;

an excavation contractor that is not an employee of the primary contractor; or

an equipment operator that is not a direct employee of the primary contractor.”

“The designated temporary excavator shall notify the one–call system with the associated ticket number to verify that the excavator has been hired to work for the primary contractor.”

## §12–126. – Marking requirements

### New rules about a Code 5 – Not complete/in progress

If an owner–member or its contract locator is unable to mark the location of the owner–member’s underground facility within the time period...because of the scope of the proposed excavation or demolition, the owner–member shall:

promptly notify the underground facilities information exchange system and the person that intends to perform the excavation or demolition; and

work with the person that intends to perform the excavation or demolition to develop a **documented agreement** for marking the underground facility.

Note: If you receive a Code 5 – Not complete/in progress on your ticket and you were not contacted by the owner-member or its contact locator and have developed a **documented agreement**, immediately file a Code 7 “Dispute”

If the owner–member or its contract locator and person that intends to perform the excavation or demolition cannot reach a mutually **documented agreement** for marking under paragraph...the owner–member or its contract locator **shall** mark that portion of the site where excavation or demolition will first occur, and...shall mark the remainder of the site within a reasonable time.

## §12–127. – Excavation after notice that facilities marked or not in vicinity

“When utilizing a trenchless technology method, to prevent the occurrence of a cross–bore, a person shall expose by nondestructive techniques intersecting underground facilities to the depth of the excavation plus 18 inches in the path of the trenchless technology operation during the entire trenchless installation operation.”

## §12–131. – Changed from “Designer initiating ticket request” to “Non-Excavation Tickets.

## §12–135. – Civil penalties

“A person that violates any other provision of Part IV (12-120 through 12-120) of this subtitle is subject to a civil penalty assessed by the Authority not exceeding:

\$2,000 for the first offense; and

\$4,000 for each subsequent offense.”

“A person that files an emergency ticket that does not meet the definition of emergency under § 12–101 of this subtitle may be subject to the maximum penalties available under this subsection.”

To download a copy of the current Title XII (Miss Utility) Statute go to [www.mddpa.org](http://www.mddpa.org) then scroll down and click on “New Title XII Law”.

To download a copy of our Comparison Table which lists all the changes that occurred in the Title XII (Miss Utility) Statute when it became law in March of 2021. Go to [www.mddpa.org](http://www.mddpa.org), click on Resources at the top of the page then scroll down to 2021 Title XII Law Changes – Comparison Table.