

HOUSE BILL No. 1247

DIGEST OF INTRODUCED BILL

Citations Affected: IC 8-1-26-18.

Synopsis: Underground utility facilities. Amends Indiana's 811 law, which requires the location and marking of underground utility facilities (facilities) before planned excavation or demolition projects, to provide that if the operator of a facility (operator) fails to: (1) provide to the person responsible for an excavation or demolition (excavator) required information as to the location of the operator's facilities; or (2) provide to the association known as the Indiana Underground Plant Protection Service (association) an electronic positive response indicating that the operator either has provided the required notice to the excavator or has no facilities in the location of the proposed project; within the time specified in the law, the excavator may engage the services of a third party utility locator (locator) to determine whether the operator has underground facilities in the location of the proposed project and, if applicable, provide the marking information for those facilities. Provides that an excavator that elects to engage the services of a locator must: (1) select a locator that is authorized by the operator to act on the operator's behalf; and (2) notify the association of the locator's completion of the services for which the locator was engaged, along with the amount paid by the excavator to the locator for those services. Requires the operator on whose behalf the services were performed to submit to the excavator payment in an amount equal to three times the amount paid by the excavator for the services. Provides that not later than June 1, 2026, each operator subject to the 811 law must provide to the association a notice that
(Continued next page)

Effective: Upon passage.

Pressel, Soliday, Culp

January 5, 2026, read first time and referred to Committee on Utilities, Energy and Telecommunications.



authorizes one or more locators to act on the operator's behalf for purposes of these provisions. Provides that upon receiving the required notices, the association shall compile a listing of the authorized locators for each operator. Provides that after June 30, 2026, upon receiving a notice of a planned project, the association shall immediately provide the listing to the person that submitted the notice. Requires the association to develop and adopt policies and procedures to implement these provisions.



Introduced

Second Regular Session of the 124th General Assembly (2026)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2025 Regular Session of the General Assembly.

HOUSE BILL No. 1247

A BILL FOR AN ACT to amend the Indiana Code concerning utilities.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 8-1-26-18, AS AMENDED BY P.L.53-2024,
2 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 UPON PASSAGE]: Sec. 18. (a) Subject to subsection (m), an operator
4 to which the association provides a notice of intent under section 16 of
5 this chapter shall comply with subsection (b) not later than:
6 (1) 7 a.m. prevailing time on the next working day that follows the
7 elapse of two (2) full working days after the operator receives the
8 notice of intent; or
9 (2) the starting date and time of the excavation or demolition
10 stated in the notice of intent;
11 whichever is later.
12 (b) Subject to subsection (m), an operator to which the association
13 provides a notice of intent under section 16 of this chapter shall do the
14 following:
15 (1) Supply to the person responsible for the excavation or



demolition the following information:

(A) The approximate location and a description of all the operator's underground facilities that may be damaged as a result of the excavation or demolition.

(B) The location and description of all facility markers indicating the approximate location of the underground facilities.

(C) Any other information that would assist that person in locating and avoiding damage to the underground facilities, including providing adequate temporary markings indicating the approximate location of the underground facility and locations where permanent facility markers do not exist.

(2) Provide to the association an electronic positive response.

(c) An operator that receives a notice of intent under section 16 of this chapter and that has underground facilities in the location of the proposed excavation or demolition shall provide an electronic positive response to the association, in the manner prescribed by the association, when the operator has provided the marking information required by this chapter. The association shall provide an operator's electronic positive response under this subsection to the person responsible for the excavation or demolition.

(d) An operator to which the association provides notice under section 16.5 of this chapter of preliminary engineering studies or construction planning activities shall, not later than 7 a.m. prevailing time on the next working day that follows the elapse of ten (10) full working days after the operator receives the notice, do the following:

(1) Do one (1) or more of the following, in accordance with section 16.5(e) of this chapter:

(A) Provide to the person serving the design information notice the approximate location and a description of all the operator's underground facilities that are located in the project area that will be affected by the proposed excavation or demolition.

(B) Allow:

(i) the person serving the design information notice; or

(ii) another authorized person;

to inspect, at a location that is acceptable to the operator, drawings or other records for all of the operator's underground facilities within the project area that will be affected by the proposed excavation or demolition.

(C) Designate with temporary facility markers the location of all of the operator's underground facilities within the project



- 1 area that will be affected by the proposed excavation or
 2 demolition, as identified in the design information notice.
- 3 (2) Using maps when appropriate, provide to the person serving
 4 the design information notice the location and a description of all
 5 facility markers indicating the approximate location of the
 6 underground facilities, if applicable.
- 7 (3) Using maps when appropriate, provide to the person serving
 8 the design information notice any other information that would
 9 assist a person in locating the underground facilities during the
 10 engineering studies or construction planning activities.
- 11 (4) Provide an electronic positive response to the association.
- 12 (e) Facility locate markings must consist of paint, flags, or stakes or
 13 any combination that mark the approximate location of the
 14 underground facilities. The method of marking must be appropriate for
 15 the location of the underground facilities.
- 16 (f) Color coding of facility locate markings indicating the type of
 17 underground facility must conform to the following color coding:
- | Facility and Type of Product | Specific Group |
|--|----------------------------------|
| | Identifying Color |
| (1) Electric power distribution
and transmission | Safety red |
| (2) Municipal electric systems | Safety red |
| (3) Gas distribution and
transmission | High visibility
safety yellow |
| (4) Oil distribution and
transmission | High visibility
safety yellow |
| (5) Dangerous materials, product
lines, steam lines | High visibility
safety yellow |
| (6) Communications service
systems | Safety alert orange |
| (7) Cable television | Safety alert orange |
| (8) Police and fire
communications | Safety alert orange |
| (9) Water systems | Safety precaution blue |
| (10) Sewer systems | Safety green |
| (11) Proposed excavation | White |
- 40 (g) An operator to which the association provides a notice of intent
 41 under section 16 of this chapter and that has no underground facilities
 42 in the location of the proposed excavation or demolition shall, not later



than:

(1) 7 a.m. prevailing time on the next working day that follows the elapse of two (2) full working days after the operator receives the notice of intent; or

(2) the starting date and time of the excavation or demolition stated in the notice of intent;

whichever is later, provide an electronic positive response to the association indicating that the operator has no underground facilities in the location of the proposed excavation or demolition. The association shall provide the operator's electronic positive response to the person responsible for the excavation or demolition.

(h) An operator to which the association provides notice under section 16.5 of this chapter of preliminary engineering studies or construction planning activities and that has no underground facilities located in the project area that will be affected by the proposed excavation or demolition shall, not later than 7 a.m. prevailing time on the next working day that follows the elapse of ten (10) full working days after the operator receives the notice, provide an electronic positive response to the association indicating that the operator has no underground facilities located in the project area that will be affected by the proposed excavation or demolition. The association shall provide the operator's electronic positive response to the person that served the design information notice.

(i) This section does not apply to an operator making an emergency repair to its own underground facility.

(j) This subsection applies if all of the following occur:

(1) An operator of a pipeline facility is required to supply information, including facility locate markings, under subsection

(b) to a person responsible for an excavation or demolition.

(2) The operator of the pipeline facility fails to supply the:

(A) information, including facility locate markings, under subsection (b) to a person responsible for an excavation or demolition; or

(B) electronic positive response to the association under subsection (c).

(3) The operator's pipeline facility is damaged during the excavation or demolition for which the operator was required to supply the information described in subdivision (1).

The operator of the pipeline facility may be subject to a civil penalty in an amount recommended by the advisory committee and approved by the commission, not to exceed one thousand dollars (\$1,000).

(k) Subsection (j) does not apply to an operator that:



- (1) is repairing its own underground facilities; or
- (2) fails to supply required information or provide facility locate markings due to factors beyond the control of the operator.

(l) A person that knowingly moves, removes, damages, or otherwise alters a facility locate marking supplied under this section may be subject to a civil penalty in an amount recommended by the advisory committee and approved by the commission, not to exceed ten thousand dollars (\$10,000). This subsection does not apply to a person that moves, removes, damages, or otherwise alters a facility locate marking as part of the excavation or demolition for which the facility locate markings were supplied.

(m) If an operator receives, under section 16 of this chapter, notice of an excavation or demolition and determines that the operator is unable to do either or both of the following, the operator shall notify the person responsible for the excavation or demolition of the operator's determination and shall provide additional information and, if requested, onsite assistance to the person responsible for the excavation or demolition:

- (1) Locate and mark the operator's affected underground facilities in the time required by subsection (a).
- (2) Mark the approximate location of the operator's affected underground facilities.

Upon receiving a notice under this subsection, the person responsible for the excavation or demolition may engage the services of a third party utility locator in the manner set forth in subsection (p).

(n) A person responsible for an excavation or demolition shall, before commencing the excavation or demolition, provide an affirmative response to the association, in the manner prescribed by the association, acknowledging the person's receipt of the information provided under subsections (c) and (g).

(o) An operator to which the association provides notice under section 16 or 16.5 of this chapter shall provide to the association an electronic positive response:

- (1) in the manner prescribed by the association; and
- (2) including relevant codes detailing work status;

acknowledging the operator's resolution of the notice. The association shall promptly provide the operator's electronic positive response to the person that served the notice under section 16 or 16.5 of this chapter.

(p) If an operator that receives a notice of intent under section 16 of this chapter after June 30, 2026, fails to:

- (1) provide the person responsible for the excavation or**



demolition the information required under subsection (b)(1) within the time prescribed by subsection (a);

(2) provide the association an electronic positive response under subsection (c);

(3) provide the association an electronic positive response under subsection (g) within the time prescribed by subsection (g), if applicable; or

(4) provide the person responsible for the excavation or demolition the notice required under subsection (m), if applicable;

the person responsible for the excavation or demolition may engage the services of a third party utility locator to determine whether the operator has underground facilities in the location of the proposed excavation or demolition and, if applicable, provide the marking information required by this chapter. If the person responsible for the excavation or demolition elects to engage the services of a third party utility locator under this subsection, the person must select a third party utility locator that is authorized by the operator under subsection (r) for that purpose.

(q) Upon a third party utility locator's completion of the services for which the third party utility locator was engaged under subsection (p), the person responsible for the excavation or demolition shall provide an electronic positive response to the association, in the manner prescribed by the association, of:

(1) the third party utility locator's completion of the services; and

(2) the amount paid by the person to the third party utility locator for the services.

The association may require the third party utility locator or the person responsible for the excavation or demolition to provide an invoice or other documentation verifying the amount set forth in subdivision (2). The association shall provide an electronic positive response submitted under this subsection to the operator on whose behalf the services were performed under subsection (p). Upon receipt of the electronic positive response from the association, the operator shall submit, in the manner and within the time prescribed by the association, payment in an amount equal to three (3) times the amount set forth in subdivision (2) to the person responsible for the excavation or demolition.

(r) Not later than June 1, 2026, each operator subject to this chapter shall provide to the association a notice, in the manner prescribed by the association, that authorizes one (1) or more third



1 party utility locators to provide the services described in subsection
2 (p) on the operator's behalf. Upon receiving the notices required by
3 this subsection, the association shall compile a listing of the
4 authorized third party utility locators for each operator subject to
5 this chapter. After June 30, 2026, upon receiving a notice of intent
6 under section 16 of this chapter, the association shall immediately
7 provide, in a manner determined by the association, the listing to
8 the person that submitted the notice of intent. The association shall
9 require each operator subject to this chapter to periodically update
10 or verify, according to a schedule and in a manner prescribed by
11 the association, the operator's authorized third party utility
12 locators under this subsection. The association shall develop and
13 adopt policies and procedures for:

- 14 (1) accepting, processing, compiling, and updating the
- 15 authorizations required by this subsection;
- 16 (2) verifying the amounts and satisfaction of payments under
- 17 subsection (q); and
- 18 (3) providing the listing required by this subsection to persons
- 19 submitting notices of intent under section 16 of this chapter.

20 SECTION 2. An emergency is declared for this act.

