

State Damage Prevention Law Summary

State: Nevada

(Link to State law provided in Law & Regulation section below)

Summary Date: 8/7/2017

Excavator Requirements	
Excavation: Definition	Nevada Revised Statutes (NRS) 455.092. "Excavation" means the movement or removal of earth, rock or other material in or on the ground by use of mechanical equipment or by the placement and discharge of explosives. The term includes augering, backfilling, boring, digging, ditching, drilling, grading, plowing-in, ripping, scraping, trenching and tunneling.
Excavator: Definition	Nevada Administrative Code (NAC) 455.055. "Excavator" means any person who directly or through an employee performs an excavation or demolition.
Excavator Notice to One Call Required (Yes / No)	Yes
Excavator Notice Minimum # Working Days Before Digging	2
Excavator Notice (Specific Language)	NRS 455.110. 1. Except as otherwise provided in subsection 2, a person shall not begin an excavation or demolition if the excavation or demolition is to be conducted in an area that is known or reasonably should be known to contain a subsurface installation, except a subsurface installation owned or operated by the person conducting the excavation or demolition, unless the person: (a) Notifies the appropriate association for operators pursuant to NRS 455.120, at least 2 working days but not more than 28 calendar days before excavation or demolition is scheduled to commence. ... (b) Cooperates with the operator in locating and identifying its subsurface installation by: (1) Meeting with its representative as requested; and (2) Making a reasonable effort that is consistent with the practice in the industry to mark with white paint, flags, stakes, whiskers or another method that is agreed to by the operator and the person who is responsible for the excavation or demolition, the proposed area of the excavation or demolition. 2. A person responsible for emergency excavation or demolition is not required to comply with the provisions of subsection 1 if there is a substantial likelihood that loss of life, health or property will result before the provisions of subsection 1 can be fully complied with. The person shall notify the operator of the action the person has taken as soon as practicable.
Ticket Life (# of days)	28 (NAC 455.165. 1.)
White-Line Required (Yes / No)	Yes (NRS 455.110. 2.)
Tolerance Zone	24" (NRS 455.082)
Special Digging Requirements Within Tolerance Zone (Specific Language)	NRS 455.137. 1. Except as otherwise provided in subsection 2, the person responsible for an excavation or demolition shall, before using any mechanical equipment, determine the exact location of a subsurface installation that is affected by the excavation or demolition by excavating with hand tools or by any other method agreed upon by the person responsible for the excavation or demolition and the operator within the approximate location of the subsurface installation as designated by markings made in accordance with NRS 455.133.
Hand Dig / Vacuum or Soft Excavation Within Tolerance Zone (Yes / No)	Yes (NRS 455.137. 1.)
Preserve / Maintain Marks Required (Yes / No)	Yes (NAC 455.135. 1.)
Call Again If No Response from Operator Or Signs Of Unmarked Facilities (Yes / No)	Yes (NAC 455.145. 2.)
Notify One-Call if Marks Moved or No Longer Visible (Yes / No)	Yes (NAC 455.135. 2. (b))
Special Language Regarding Trenchless Technology (Yes / No)	No
Separate Locate Request Required for Each Excavator (Yes / No)	Yes (NRS 455.110. 1.)

Notify Operator of Damage (Yes / No)	Yes (NRS 455.140. 1.)
Notify One Call Center of Damage (Yes / No)	No
Call 911 if Hazardous Materials Released (Yes / No)	Yes (NAC 455.160. 3. (a))
Notice Exemptions (Yes / No)	Yes
Notice Exemptions (Specific Language)	NRS 455.107. 2. A person is exempt from complying with the provisions of NRS 455.080 to 455.180, inclusive, if the person obtains the written consent of all operators involved in the proposed excavation or demolition before the person receives a permit to conduct the excavation or demolition.
Operator Response	
Minimum # Days for Operator to Respond After Receiving Notice (Generally)	2
Operator Requirements to Respond to Locate Notification (Specific Language)	<p>NRS 455.130 1. Except in an emergency or as otherwise provided in subsection 2 or NRS 455.125, if an operator receives notice through an association for operators pursuant to paragraph (a) of subsection 1 of NRS 455.110, the operator shall: (a) Locate and identify the subsurface installations and, if known, the number of subsurface installations that are affected by the proposed excavation or demolition to the extent and to the degree of accuracy that the information is available in the records of the operator or can be determined by using techniques of location that are commonly used in the industry, except excavating, within 2 working days or within a time mutually agreed upon by the operator and the person who is responsible for the excavation or demolition; (b) Remove or protect a subsurface installation as soon as practicable if the operator decides it should be removed or protected; and (c) Advise the person who contacted the association for operators of the location of the subsurface installations of the operator that are affected by the proposed excavation or demolition. 2. The operator shall notify the person who contacted the association for operators if the operator has no subsurface installations that are affected by the proposed excavation or demolition.</p> <p>NAC 455.125 1. An operator locating and identifying subsurface installations pursuant to the provisions of paragraph (a) of subsection 1 of NRS 455.130 shall locate and identify all subsurface installations of the operator that are in use or held for prospective use and are located within the affected area of the proposed excavation or demolition and shall: (a) Mark the approximate location of the subsurface installations located and identified as required by NRS 455.133 and NAC 455.130 or in another manner agreed to in writing between the excavator and the operator; or (b) For any subsurface installations of the operator that the operator was unable to identify or locate according to the records of the operator: (1) Inform the excavator of the approximate location of the subsurface installation; and (2) Provide to the excavator the best description available of the subsurface installation from those records. 2. If an operator determines that it has no subsurface installations within the affected area of the proposed excavation or demolition, the operator shall notify the excavator pursuant to the provisions of subsection 2 of NRS 455.130 by: (a) Notifying the excavator directly; or (b) Making a mark which indicates that the operator has no subsurface installations within the affected area of the proposed excavation or demolition in a manner that: (1) Is consistent with the practice in the industry; or (2) Includes the name, initials or logo of the operator.</p>
Minimum Standards for Locator Qualifications (Yes / No)	No
Minimum Standards for Locator Qualifications (Specific Language)	Not addressed
Law Specifies Marking Standards Other Than Color (Yes / No)	Yes
Law Specifies Marking Standards Other Than Color (Specific Language)	<p>NRS 455.133 1. An operator who marks the approximate location of a subsurface installation shall make a reasonable effort to make the markings in a manner that is consistent with the practice in the industry. The operator shall use the identifying criteria and colors set forth in the regulations of the Public Utilities Commission of Nevada for the markings. 2. In adopting regulations setting forth the criteria and colors to be used pursuant to this section, the Public Utilities Commission of Nevada shall use nationally accepted standards for the identifying criteria and colors for marking subsurface installations.</p> <p>NAC 455.105 1. The Commission hereby adopts by reference the marking standards described in the: (a) "Uniform Color Code"; (b) "Guidelines for Excavation Delineation"; and (c) "Guidelines for Operator's Facility Field Delineation," (as set forth in Appendix B of Best Practices Version 3.0, published by the Common Ground Alliance.) 2. A copy of this publication can be obtained from the Common Ground Alliance, free of charge, at the Internet address http://www.commongroundalliance.com/.</p>

Law Includes Specific Language For Operators To Locate Sewer Laterals (Yes / No)	Yes (NAC 455.0995, and 455.125. 1.)
Law Includes Specific Language For Operators To Locate Abandoned Facilities (Yes / No)	No
Operator Must Locate Abandoned Facilities (Specific Language)	Not addressed
Positive Response Required - Operator Contact Excavator (Yes / No)	No
Positive Response Required - Operator Contact Excavator (Specific Language)	Positive response is not required. (Reference NRS 455.130 1. and NAC 455.125 1.)
Positive Response Required - Operator Contact One Call Center (Yes / No)	No
Positive Response Required - Operator Contact One Call Center (Specific Language)	Not addressed
Positive Response - One-Call Automated (Yes / No)	No
Operator Must Provide One-Call Center with Information On Locations of Buried Facilities (Yes / No)	No
Operator Must Provide One-Call Center with Information On Locations of Buried Facilities (Specific Language)	Not addressed
Operator Must Update Information On Locations of Buried Facilities (Yes / No)	No
Operator Must Update Information On Locations of Buried Facilities (Specific Language)	Not addressed
New Facilities Must Be Locatable Electronically (Yes / No)	Yes
New Facilities Must Be Locatable Electronically (Specific Language)	NRS 455.131 1. Except as otherwise provided in subsection 2, an operator shall, for each subsurface installation that is installed on or after October 1, 2005, which cannot be detected from or above the surface of the ground by means of either the material used in constructing the subsurface installation or a conductor within the subsurface installation, install a permanent device which designates or provides a means of detecting a subsurface installation through the use of a noninvasive method from or above the surface of the ground. Such a device includes, without limitation, a tracer wire or a marker. 2. A person who connects a sewer service lateral to a sewer main shall, at the option of the operator of the sewer main: (a)Install a permanent device as described in subsection 1 of a type designated by the operator of the sewer main at the connection of the sewer service lateral to the sewer main and where the sewer service lateral exits the public right-of-way and promptly provide the operator of the sewer main with the location of such permanent devices;
Design Request (Yes / No)	No
One Call, Enforcement, and Reporting	

Mandatory One Call Membership (Yes / No)	Yes (NRS 455.120 1.)
One Call Membership Exemptions (Yes / No)	Yes
One Call Membership Exemptions (Specific Language)	NRS 455.096 Operator means any person who owns, operates or maintains a subsurface installation. The term does not include the Department of Transportation. NRS 455.120 An operator shall: 1. Join an association for operators to receive the notification required pursuant to paragraph (a) of subsection 1 of NRS 455.110 for its members
One-Call Law Addresses Board Make-Up (Yes / No)	No
One-Call Law Addresses Board Make-Up (Specific Language)	Not addressed
Separate Body Designated to Advise Enforcement Authority (Yes / No)	No
Separate Body Designated to Advise Enforcement Authority (Specific Language)	Not addressed
Penalties / Fines Excavators (Yes / No)	Yes
Penalties / Fines Excavators (Specific Language)	NRS 455.170 2. 2. Except as otherwise provided in subsection 4, in addition to any other penalty provided by law, any person who willfully or repeatedly violates a provision of NRS 455.080 to 455.180, inclusive, is liable for a civil penalty: (a) Not to exceed \$2,500 per day for each violation; and (b) Not to exceed \$250,000 for any related series of violations within a calendar year. 3. Except as otherwise provided in subsections 2 and 4, any person who negligently violates any such provision is liable for a civil penalty: (a) Not to exceed \$1,000 per day for each violation; and (b) Not to exceed \$50,000 for any related series of violations within a calendar year. 4. The maximum civil penalty imposed pursuant to this section may be tripled for each violation that involves contact with, or that occurs less than 24 horizontal inches from a high consequence subsurface installation, regardless of the depth of the location of the high consequence subsurface installation. The amount of any civil penalty imposed pursuant to this section and the propriety of any settlement or compromise concerning a penalty shall be determined by the Public Utilities Commission of Nevada.
Penalties / Fines Operators (Yes / No)	Yes
Penalties / Fines Operators (Specific Language)	NRS 455.170 2. 2. Except as otherwise provided in subsection 4, in addition to any other penalty provided by law, any person who willfully or repeatedly violates a provision of NRS 455.080 to 455.180, inclusive, is liable for a civil penalty: (a) Not to exceed \$2,500 per day for each violation; and (b) Not to exceed \$250,000 for any related series of violations within a calendar year. 3. Except as otherwise provided in subsections 2 and 4, any person who negligently violates any such provision is liable for a civil penalty: (a) Not to exceed \$1,000 per day for each violation; and (b) Not to exceed \$50,000 for any related series of violations within a calendar year. 4. The maximum civil penalty imposed pursuant to this section may be tripled for each violation that involves contact with, or that occurs less than 24 horizontal inches from a high consequence subsurface installation, regardless of the depth of the location of the high consequence subsurface installation. The amount of any civil penalty imposed pursuant to this section and the propriety of any settlement or compromise concerning a penalty shall be determined by the Public Utilities Commission of Nevada.
Penalties / Fines Other (Yes / No)	Yes
Penalties / Fines Other (Specific Language)	NRS 455.170 2. 2. Except as otherwise provided in subsection 4, in addition to any other penalty provided by law, any person who willfully or repeatedly violates a provision of NRS 455.080 to 455.180, inclusive, is liable for a civil penalty: (a) Not to exceed \$2,500 per day for each violation; and (b) Not to exceed \$250,000 for any related series of violations within a calendar year. 3. Except as otherwise provided in subsections 2 and 4, any person who negligently violates any such provision is liable for a civil penalty: (a) Not to exceed \$1,000 per day for each violation; and (b) Not to exceed \$50,000 for any related series of violations within a calendar year. 4. The maximum civil penalty imposed pursuant to this section may be tripled for each violation that involves contact with, or that occurs less than 24 horizontal inches from a high consequence subsurface installation, regardless of the depth of the location of the high consequence subsurface installation. The amount of any civil penalty imposed pursuant to this section and the propriety of any settlement or compromise concerning a penalty shall be determined by the Public Utilities Commission of Nevada.

Enforcement Authority Identified	NRS 455.170 1. An action for the enforcement of a civil penalty pursuant to this section may be brought before the Public Utilities Commission of Nevada by the Attorney General, a district attorney, a city attorney, the Regulatory Operations Staff of the Public Utilities Commission of Nevada, the governmental agency that issued the permit to conduct an excavation or demolition, an operator or a person conducting an excavation or demolition. ... 5. In determining the amount of the penalty or the amount agreed upon in a settlement or compromise, the Public Utilities Commission of Nevada shall consider:
Damage Investigation Required by Enforcement Authority (Yes / No)	No
Mandatory Reporting of Excavation Damage by All Utility Owners to State Entity or Department (Yes / No)	Yes (NAC 455.163.)
Mandatory Reporting by Excavators to State Entity or Department (Yes / No)	Yes (NAC 455.163.)
Mandatory Reporting to State Entity or Department - Gas Only (Yes / No)	No
Law and Regulation	
Statute / Law (Name & Link)	Nevada Revised Statutes (NRS), Chapter 455, §§ 455.080 to 455.180, Excavation or Demolition Near Subsurface Installations (http://www.leg.state.nv.us/NRS/NRS-455.html) Also see One-Call Center Website for Information on State Law.
Date of Last Revision to Statute / Law	July 1, 2015
Administrative Rules / Regulations (Yes / No)	Yes
Administrative Rules / Regulations (Name & Link)	Nevada Administrative Code (NAC), Chapter 455, §§ 455.010 to 455.170, Excavations and Demolitions (http://www.leg.state.nv.us/nac/NAC-455.html)
State One Call Center(s) (Name & Link)	USA North 811 (http://www.usanorth.org/)
Miscellaneous Notes	
Notes	NRS 455.160. provides that the Nevada PUC or AG may enjoin excavation which poses danger of death or serious physical harm or property damage.
State Damage Prevention / One-Call Law Recently Revised With Future Implementation Dates	0