

State Damage Prevention Law Summary

State: Idaho

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

Summary Date: 8/7/2017

Excavator Requirements	
Excavation: Definition	Idaho Statutes Annotated (IDStat), Title 55, Chapter 22, § 55-2202 (6) "Excavation" means any operation in which earth, rock, or other material in the ground is moved or otherwise displaced by any means including, but not limited to, explosives.
Excavator: Definition	IDStat, § 55-2202 (7) "Excavator" means any person who engages directly in excavation.
Excavator Notice to One Call Required (Yes / No)	Yes
Excavator Notice Minimum # Working Days Before Digging	2
Excavator Notice (Specific Language)	IDStat, § 55-2205 (1) Before commencing excavation, the excavator shall: ... (c) Provide notice of the scheduled commencement of excavation to all underground facility owners through a one-number notification service. If no one-number notification service is available, notice shall be provided individual to those owners of underground facilities known to have or suspected of having underground facilities within the area of proposed excavation. The notice shall be communicated by the excavator to the one-number notification service or, if no one-number notification service is available, to the owners of underground facilities not less than two (2) business days nor more than ten (10) business days before the scheduled date for commencement of excavation, unless otherwise agreed in writing by the parties.
Ticket Life (# of days)	3 consecutive weeks (IDStat, § 55-2205 (2))
White-Line Required (Yes / No)	Yes (IDStat, § 55-2205 (1) (b))
Tolerance Zone	24" (IDStat, § 55-2207 (2) (a))
Special Digging Requirements Within Tolerance Zone (Specific Language)	IDStat, § 55-2207 (2) An excavator shall use reasonable care to avoid damaging underground facilities. An excavator shall: (a) Determine by hand digging, in the area twenty-four (24) inches or less from the facilities, the precise actual location of underground facilities which have been marked; (b) Plan the excavation to avoid damage to or minimize interference with underground facilities in and near the excavation area; and (c) Provide such support for underground facilities in and near the construction area, including during backfill operations, as may be reasonably necessary for the protection of such facilities.
Hand Dig / Vacuum or Soft Excavation Within Tolerance Zone (Yes / No)	Yes (IDStat, § 55-2207 (2) (a))
Preserve / Maintain Marks Required (Yes / No)	Yes (IDStat, § 55-2205 (2))
Call Again If No Response from Operator Or Signs Of Unmarked Facilities (Yes / No)	Yes (IDStat, § 55-2205 (4))
Notify One-Call if Marks Moved or No Longer Visible (Yes / No)	Yes (IDStat, § 55-2205 (4))
Special Language Regarding Trenchless Technology (Yes / No)	No
Separate Locate Request Required for Each Excavator (Yes / No)	Yes (IDStat, § 55-2205 (1))
Notify Operator of Damage (Yes / No)	Yes (IDStat, § 55-2208 (1))
Notify One Call Center of Damage (Yes / No)	Yes (IDStat, § 55-2208 (1))
Call 911 if Hazardous Materials Released (Yes / No)	Yes (IDStat, § 55-2208 (1))

Notice Exemptions (Yes / No)	Yes
Notice Exemptions (Specific Language)	IDStat, § 55-2210. Unless facts exist which would reasonably cause an excavator to believe that an underground facility exists within the depth of the intended excavation, the following excavations shall not require notice of the excavation pursuant to section 55-2205(1)(c), Idaho Code: (1) An excavation of less than fifteen (15) inches in vertical depth outside the boundaries of an underground facility easement of public record on private property. (2) The tilling of soil to a depth of less than fifteen (15) inches for agricultural practices. (3) The extraction of minerals within recorded mining claims or excavation within material sites legally located and of record, unless such excavation occurs within the boundaries of an underground facility easement. (4) Normal maintenance of roads, streets and highways, including cleaning of roadside drainage ditches and clear zones, to a depth of fifteen (15) inches below the grade established during the design of the last construction of which underground facility owners were notified and which excavation will not reduce the authorized depth of cover of an underground facility. (5) Replacement of highway guardrail posts, sign posts, delineator posts, culverts, and traffic control device supports in the same approximate location and depth of the replaced item within public highway rights-of-way. (6) Normal maintenance of railroad rights-of-way, except where such rights-of-way intersect or cross public roads, streets, highways, or rights-of-way adjacent thereto, or recorded underground facility easements.
Operator Response	
Minimum # Days for Operator to Respond After Receiving Notice (Generally)	2
Operator Requirements to Respond to Locate Notification (Specific Language)	IDStat, § 55-2205 (2) Upon receipt of the notice provided for in this section, the underground facility owner or the owner's agent shall locate and mark its locatable underground facilities by surface-marking the location of the facilities. If there are identified but unlocatable underground facilities, the owner of such facilities or the owner's agent shall locate and mark the underground facilities in accordance with the best information available to the owner of the underground facilities and with reasonable accuracy as defined in section 55-2202(15), Idaho Code. The owner of the underground facility or the owner's agent providing the information shall respond no later than two (2) business days after the receipt of the notice or before the excavation time set forth in the excavator's notice, at the option of the underground facility owner, unless otherwise agreed in writing by the parties.
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)	IDStat, § 55-2202 (12) "Marking" means the use of stakes, paint, or other clearly identifiable materials to show the field location of underground facilities, in accordance with the current color code standard of the American public works association. Markings shall include identification letters indicating the specific type of the underground facility.
Law Includes Specific Language For Operators To Locate Sewer Laterals (Yes / No)	No
Law Includes Specific Language For Operators To Locate Abandoned Facilities (Yes / No)	Yes
Operator Must Locate Abandoned Facilities (Specific Language)	IDStat, § 55-2205 (4) If the excavator, while performing the excavation, discovers underground facilities (whether active or abandoned) which are not identified or were not located with reasonable accuracy, the excavator shall cease excavating in the vicinity of the facility and immediately notify the owner or operator of such facilities, or the one-number notification service. The excavator shall have the right to receive compensation from the underground facility owner for standby cost (based on standby rates made publicly available) incurred as a result of waiting for the underground facility owner or the owner's agent to arrive at the work site to identify the unidentified facilities and provided that if the underground facility owner or the owner's agent supplies reasonably accurate locate information within eight (8) hours of the time that the excavator notifies the underground facility owner of facilities not previously located, the excavator's compensation for delay of the excavation project shall be limited to actual costs or two thousand dollars (\$2,000), whichever is less
Positive Response Required - Operator Contact Excavator (Yes / No)	No

Positive Response Required - Operator Contact Excavator (Specific Language)	Not addressed
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)	No
New Facilities Must Be Locatable Electronically (Specific Language)	Not addressed.
Design Request (Yes / No)	No
One Call, Enforcement, and Reporting	
Mandatory One Call Membership (Yes / No)	Yes. (IDStat, § 55-2206)
One Call Membership Exemptions (Yes / No)	No
One Call Membership Exemptions (Specific Language)	Not addressed.
One-Call Law Addresses Board Make-Up (Yes / No)	Yes
One-Call Law Addresses Board Make-Up (Specific Language)	IDStat, § 55-2203 (2) The board shall consist of eleven (11) members, each of whom shall be appointed by and serve at the pleasure of the governor. A members of the board shall be qualified by experience, knowledge and integrity in formulating rules, reviewing complaints referred to it and assessing penalties, and properly performing the functions of the board. Of the eleven (11) members, one (1) each shall represent the interests of the following designated groups and be: (a) A city official or a county official; (b) An employee or elected official of a highway district; (c) An employee of the Idaho public utilities commission; (d) An employee or officer of a one-number notification service entity or a member of the Idaho utility coordinating council or similar cooperative statewide nonprofit organization created to coordinate the protection of underground facilities in specific geographic portions of the state (e) An employee or officer of an underground facility owner; (f) An employee or officer of an underground pipeline facility owner; (g) An employee or officer of a rural underground facility owner; (h) An employee or officer of a contractor; (i) An employee or officer of a building contractor; (j) An employee or officer of an excavator; and (k) An employee or owner of an agricultural enterprise, a representative of the agriculture industry, or an employee or an official of a public entity that delivers water for irrigation.

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)	IDStat, § 55-2211 (1) ... Persons who violate the provisions of this chapter are subject to civil penalties in accordance with this section. ... The administrator shall recommend that a training course adopted by the board, by rule, be successfully completed for a first violation of this chapter, except that if the complaint is for a first violation of this chapter wherein a residential homeowner or residential tenant excavating on the lot of his residency failed to provide notice as required in section 55-2205, Idaho Code, and caused damage to underground facilities, the board shall direct the administrator to deliver to the violator a written warning and educational materials to prevent a future violation. The administrator may recommend the imposition of a civil penalty in an amount not to exceed one thousand dollars (\$1,000) for a second violation of this chapter and in addition may recommend successful completion of a training course adopted by the board, by rule, and issue a notice of intent to impose such penalty on behalf of the board. ... (2) In the event the board determines that a person has violated the provisions of this chapter a subsequent time within eighteen (18) months from an earlier violation, and where facility damage has occurred, the board may impose a civil penalty of not more than five thousand dollars (\$5,000) for each separate violation in accordance with the process described in subsection (1) of this section.
Penalties / Fines Operators (Yes / No)	Yes
Penalties / Fines Operators (Specific Language)	IDStat, § 55-2211 (1) ... Persons who violate the provisions of this chapter are subject to civil penalties in accordance with this section. ... The administrator shall recommend that a training course adopted by the board, by rule, be successfully completed for a first violation of this chapter, except that if the complaint is for a first violation of this chapter wherein a residential homeowner or residential tenant excavating on the lot of his residency failed to provide notice as required in section 55-2205, Idaho Code, and caused damage to underground facilities, the board shall direct the administrator to deliver to the violator a written warning and educational materials to prevent a future violation. The administrator may recommend the imposition of a civil penalty in an amount not to exceed one thousand dollars (\$1,000) for a second violation of this chapter and in addition may recommend successful completion of a training course adopted by the board, by rule, and issue a notice of intent to impose such penalty on behalf of the board. ... (2) In the event the board determines that a person has violated the provisions of this chapter a subsequent time within eighteen (18) months from an earlier violation, and where facility damage has occurred, the board may impose a civil penalty of not more than five thousand dollars (\$5,000) for each separate violation in accordance with the process described in subsection (1) of this section.
Penalties / Fines Other (Yes / No)	No
Penalties / Fines Other (Specific Language)	Not addressed.
Enforcement Authority Identified	IDStat, § 55-2202. (1) "Administrator" means the administrator of the division of building safety. § 55-2211 (1) The damage prevention board ... may hear, but may not initiate, contested cases of alleged violations of this chapter involving practices related to underground facilities as set forth in rules by the board. ... Complaints regarding an alleged violation of this chapter may be made by any individual and shall be made to the administrator.
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 (IDStat, § 55-2208 (5))
Mandatory Reporting by Excavators to State Entity or Department (Yes / No)	Yes (IDStat, § 55-2208 (5), also Idaho Admin Code., PUC, IDAPA 31.11.01, Rules 301 - 303.)
Mandatory Reporting to State Entity or Department - Gas Only (Yes / No)	Yes (Idaho Admin Code., PUC, IDAPA 31.11.01, Rules 302 - 303.)
Law and Regulation	

Statute / Law (Name & Link)	Idaho Statutes, Title 55, Chapter 22, Underground Facilities Damage Prevention, §§ 55-2201 to -2212 (https://legislature.idaho.gov/statutesrules/idstat/Title55/T55CH22/) Also see One-Call Center Website for Information on State Law.
Date of Last Revision to Statute / Law	<p style="text-align: center;">July 1, 2016</p> <p>Idaho Statutes and Constitutions are updated to the web July 1 following the legislative session. The statutes documented herein are current through the 2016 Legislative Session.</p>
Administrative Rules / Regulations (Yes / No)	Yes
Administrative Rules / Regulations (Name & Link)	<p>Idaho Administrative Code:</p> <p>(1) IDAPA 07.10.01 - Rules Governing the Damage Prevention Board, Division of Building Safety. (https://adminrules.idaho.gov/rules/current/07/1001.pdf)</p> <p>(2) IDAPA 31.11.01 - Safety & Accident Rules for Utilities Regulated by the Idaho Public Utilities Commission, Rules 301 - 303 (https://adminrules.idaho.gov/rules/current/31/1101.pdf)</p>
State One Call Center(s) (Name & Link)	<p>Info: http://call811.com/map-page/idaho</p> <p>(1) Dig Line, Inc. (www.digline.com);</p> <p>(2) Pass Word (www.passwordinc.com/cbd.html) -- For locates in Boundary, Bonner, Kootenai, Benewah, and Shoshone Counties</p>
Miscellaneous Notes	
Notes	0
State Damage Prevention / One-Call Law Recently Revised With Future Implementation Dates	0