

**State Damage Prevention Law Summary**

**State: Maryland**

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

Summary Date: 8/7/2017

<b>Excavator Requirments</b>	
<b>Excavation: Definition</b>	Code of Md, Pub. Util. §12-101. (d) "Demolition" means an operation in which a structure or mass of material is wrecked, razed, rended, moved, or removed using any tool, equipment, or explosive. ... (f) (1) "Excavation" means an operation in which earth, rock, or other material in or on the ground is moved, removed, or otherwise displaced by using any tool, equipment, or explosive. (2) "Excavation" includes grading, trenching, digging, ditching, dredging, drilling, boring, augering, tunnelling, scraping, cable or pipe plowing and driving a mass of material.
<b>Excavator: Definition</b>	Not addressed
<b>Excavator Notice to One Call Required (Yes / No)</b>	Yes(Code of Md, Pub. Util. §12-124.(a))
<b>Excavator Notice Minimum # Working Days Before Digging</b>	2(Code of Md, Pub. Util. §12-126.(c) and §12-127.(a))
<b>Excavator Notice (Specific Language)</b>	Code of Md, Pub. Util. §12-121. (a) Subject to § 12-120(b) of this subtitle, if all reasonable precautions have been taken to protect underground facilities § 12-120(a) of this subtitle and §§ 12-122 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. (b) A person performing an emergency excavation or demolition to prevent danger to life, health, or property shall: (1) take all reasonable precautions to protect underground facilities in and near the excavation or demolition area; and (2) immediately notify the one-call system serving the geographic area where the emergency excavation or demolition is performed to inform the appropriate owner-members of the excavation or demolition area. § 12-124. (a) A person that intends to perform an excavation or demolition in the State shall initiate a ticket request by notifying the one-call system serving the geographic area where the excavation or demolition is to be performed of the person's intent to perform the excavation or demolition. §12-127. (a) A person may begin excavation or demolition only after the person receives notification from the underground facilities information exchange system of the one-call system confirming that all applicable owner-members have: (1) marked their underground facilities in accordance with § 12-126(c) of this subtitle; (2) marked the applicable portion of their underground facilities in accordance with § 12-126(d) of this subtitle; or (3) reported that they have no underground facilities in the vicinity of the excavation or demolition.
<b>Ticket Life (# of days)</b>	12 (Code of Md, Pub. Util. § 12-124.(c)(3))
<b>White-Line Required (Yes / No)</b>	No
<b>Tolerance Zone</b>	18" (Code of Md, Pub. Util. § 12-126.(b)(1))
<b>Special Digging Requirements Within Tolerance Zone (Specific Language)</b>	Code of Md, Pub. Util. §12-127. (c) (1) A person performing an excavation or demolition shall exercise due care to avoid interference with or damage to an underground facility that an owner-member has marked in accordance with § 12-126 of this subtitle. (2) Before using mechanized equipment for excavation or demolition within 18 inches of an underground facility marking, a person shall expose the underground facility to its outermost surfaces by hand or other nondestructive techniques. (3) A person may not use mechanized equipment to excavate within 18 inches of the outermost surface of an exposed underground facility.
<b>Hand Dig / Vacuum or Soft Excavation Within Tolerance Zone (Yes / No)</b>	Yes (Code of Md, Pub. Util. §12-127.(c))
<b>Preserve / Maintain Marks Required (Yes / No)</b>	Yes (Code of Md, Pub. Util. §12-127.(b)(1))
<b>Call Again If No Response from Operator Or Signs Of Unmarked Facilities (Yes / No)</b>	Yes (Code of Md, Pub. Util. §12-127.(e))
<b>Notify One-Call if Marks Moved or No Longer Visible (Yes / No)</b>	Yes (Code of Md, Pub. Util. §12-127.(b)(2))
<b>Special Language Regarding Trenchless Technology (Yes / No)</b>	No

<b>Separate Locate Request Required for Each Excavator (Yes / No)</b>	Yes (Code of Md, Pub. Util. §12-124.(a))
<b>Notify Operator of Damage (Yes / No)</b>	Yes (Code of Md, Pub. Util. §12-127.(d)(1))
<b>Notify One Call Center of Damage (Yes / No)</b>	No
<b>Call 911 if Hazardous Materials Released (Yes / No)</b>	Yes (Code of Md, Pub. Util. §12-127.(d)(2))
<b>Notice Exemptions (Yes / No)</b>	Yes
<b>Notice Exemptions (Specific Language)</b>	Code of Md, Pub. Util. §12-103. This subtitle does not apply to an excavation or demolition performed or to be performed by an owner or lessee of a private residence when the excavation or demolition is performed or to be performed: (1) entirely on the land on which the private residence of the owner or lessee is located; and (2) without the use of machinery. §12-121. (a) Subject to § 12-120(b) of this subtitle, if all reasonable precautions have been taken to protect underground facilities, § 12-120(a) of this subtitle and §§ 12-122 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.
<b>Operator Response</b>	
<b>Minimum # Days for Operator to Respond After Receiving Notice (Generally)</b>	2
<b>Operator Requirements to Respond to Locate Notification (Specific Language)</b>	Code of Md, Pub. Util. §12-126. (a) An owner-member shall mark its underground facility if the owner-member has determined that a proposed excavation or demolition: (1) is within 5 feet of the horizontal plane of the underground facility; or (2) because of planned blasting, is so near to the underground facility that the underground facility may be damaged or disturbed. (b) (1) An owner-member shall mark the location of its underground facility by marking on the ground within 18 inches on a horizontal plane on either side of the underground facility. (2) (i) When marking the location of an underground facility, an owner-member shall use the current color codes established by the American Public Works Association for marking underground facilities. (ii) If two or more owner-members share the same color code, each owner-member shall include information with the marking that indicates the owner-member of the marked underground facility. (c) Except as provided in subsection (d) of this section, within 2 business days after the day on which a ticket is transferred to an owner-member, the owner-member shall: (1) mark the location of the owner-member's underground facility and report to the underground facilities information exchange system that the underground facility has been marked; or (2) report to the underground facilities information exchange system that the owner-member has no underground facilities in the vicinity of the planned excavation or demolition. (d) (1) If an owner-member is unable to mark the location of the owner-member's underground facility within the time period prescribed in subsection (c) of this section because of the scope of the proposed excavation or demolition, the owner-member shall: (i) promptly notify the underground facilities information exchange system and the person that intends to perform the excavation or demolition; and (ii) work with the person that intends to perform the excavation or demolition to develop a mutually agreeable schedule for marking the underground facility.
<b>Minimum Standards for Locator Qualifications (Yes / No)</b>	No
<b>Minimum Standards for Locator Qualifications (Specific Language)</b>	Not addressed
<b>Law Specifies Marking Standards Other Than Color (Yes / No)</b>	No
<b>Law Specifies Marking Standards Other Than Color (Specific Language)</b>	Code of Md, Pub. Util. §12-126. (b) (2) (i) When marking the location of an underground facility, an owner-member shall use the current color codes established by the American Public Works Association for marking underground facilities.
<b>Law Includes Specific Language For Operators To Locate Sewer Laterals (Yes / No)</b>	No

<b>Law Includes Specific Language For Operators To Locate Abandoned Facilities (Yes / No)</b>	No
<b>Operator Must Locate Abandoned Facilities (Specific Language)</b>	Not addressed
<b>Positive Response Required - Operator Contact Excavator (Yes / No)</b>	No
<b>Positive Response Required - Operator Contact Excavator (Specific Language)</b>	Not addressed. However, Code of Md, Pub. Util. §12-126. (d) (1) If an owner-member is unable to mark the location of the owner-member's underground facility within the time period prescribed in subsection (c) of this section because of the scope of the proposed excavation or demolition, the owner-member shall: (i) promptly notify the underground facilities information exchange system and the person that intends to perform the excavation or demolition; ....
<b>Positive Response Required - Operator Contact One Call Center (Yes / No)</b>	Yes
<b>Positive Response Required - Operator Contact One Call Center (Specific Language)</b>	Code of Md, Pub. Util. §12-101. (n) "Underground facilities information exchange system" means an automated voice response unit or interactive Internet access system that is maintained as part of a one-call system §12-126. (c) Except as provided in subsection (d) of this section, within 2 business days after the day on which a ticket is transferred to an owner-member the owner-member shall: (1) mark the location of the owner-member's underground facility and report to the underground facilities information exchange system that the underground facility has been marked; or (2) report to the underground facilities information exchange system that the owner-member has no underground facilities in the vicinity of the planned excavation or demolition. (d) (1) If an owner-member is unable to mark the location of the owner-member's underground facility within the time period prescribed in subsection (c) of this section because of the scope of the proposed excavation or demolition, the owner-member shall: (i) promptly notify the underground facilities information exchange system and the person that intends to perform the excavation or demolition; and (ii) work with the person that intends to perform the excavation or demolition to develop a mutually agreeable schedule for marking the underground facility.
<b>Positive Response - One-Call Automated (Yes / No)</b>	Yes (Code of Md, Pub. Util. §12-101.(n), §12-126.(c), and §12-127.(a))
<b>Operator Must Provide One-Call Center with Information On Locations of Buried Facilities (Yes / No)</b>	No
<b>Operator Must Provide One-Call Center with Information On Locations of Buried Facilities (Specific Language)</b>	Not addressed
<b>Operator Must Update Information On Locations of Buried Facilities (Yes / No)</b>	No
<b>Operator Must Update Information On Locations of Buried Facilities (Specific Language)</b>	Not addressed
<b>New Facilities Must Be Locatable Electronically (Yes / No)</b>	Yes (Code of Md, Pub. Util. §12-129)

<b>New Facilities Must Be Locatable Electronically (Specific Language)</b>	Code of Md, Pub. Util. §12–129 (a) Subject to subsection (c) of this section, any new or replacement piping that is buried or installed for the purpose of connecting a building to a water supply system or a sewerage system shall be buried or installed with a wire that makes the piping detectable. (b) The wire required under subsection (a) of this section shall: (1) be an insulated copper tracer wire that is suitable for direct burial and has an American wire gauge (AWG) of at least 10, or an equivalent product; (2) be installed: (i) in the same trench as the piping that connects the building to the water supply system or the sewerage system; (ii) within 12 inches of the piping that connects the building to the water supply system or the sewerage system; and (iii) with at least one end of the wire terminating above grade in a location that is accessible and resistant to physical damage, such as in a cleanout or next to an external wall of the building; and (3) run from within 5 feet of an external wall of the building to: (i) the point where the piping intersects with the water supply system or the sewerage system; or (ii) the point where the sewerage system disposes of or processes the sewage. (c) The requirement of subsection (a) of this section with regard to replacement piping connecting a building to a water supply system or a sewerage system: (1) applies only to a complete replacement of the piping; and (2) does not apply to a repair or a partial replacement of the piping.
<b>Design Request (Yes / No)</b>	Yes (Code of Md, Pub. Util. §12–131)
<b>One Call, Enforcement, and Reporting</b>	
<b>Mandatory One Call Membership (Yes / No)</b>	Yes (Code of Md, Pub. Util. §12–101.(j), §12–123.(a))
<b>One Call Membership Exemptions (Yes / No)</b>	No
<b>One Call Membership Exemptions (Specific Language)</b>	Not addressed
<b>One-Call Law Addresses Board Make-Up (Yes / No)</b>	Yes
<b>One-Call Law Addresses Board Make-Up (Specific Language)</b>	Code of Md, Pub. Util. §12–107. (a) The Authority consists of nine members appointed by the Governor. (b) The nine members shall be appointed as follows: (1) one member from a list submitted to the Governor by the Associated Utility Contractors of Maryland; (2) one member from a list submitted to the Governor by the Public Works Contractors Association of Maryland; (3) two underground facility owners that are members of a one–call system from a list submitted to the Governor by the Maryland members of the Maryland/DC Subscribers Committee; (4) one member from a list submitted to the Governor by the one–call centers operating in the State; (5) one member who represents the State’s underground utility locator community from a list submitted to the Governor by the Maryland members of the Maryland/DC Damage Prevention Committee; (6) one member who has experience in the field of underground utilities from a list submitted to the Governor by the Maryland Association of Counties; (7) one member who has experience in the field of underground utilities from a list submitted to the Governor by the Maryland Municipal League; and (8) one member of the general public from a list submitted to the Governor by the other appointed and qualified members of the Authority. (c) To the extent practicable, members appointed to the Authority shall reasonably reflect the geographic, racial, and gender diversity of the State.
<b>Separate Body Designated to Advise Enforcement Authority (Yes / No)</b>	No
<b>Separate Body Designated to Advise Enforcement Authority (Specific Language)</b>	Not addressed
<b>Penalties / Fines Excavators (Yes / No)</b>	Yes
<b>Penalties / Fines Excavators (Specific Language)</b>	Code of Md, Pub. Util. §12–135. (a) (1) A person that performs an excavation or demolition without first providing the notice required under § 12–124(a) of this subtitle and damages, dislocates, or disturbs an underground facility is deemed negligent and is subject to a civil penalty assessed by the Authority not exceeding: (i) \$2,000 for the first offense; and (ii) subject to subsection (c) of this section, \$4,000 for each subsequent offense. (2) Instead of or in addition to a civil penalty assessed under this subsection, the Authority may: (i) require that a person: 1. participate in damage prevention training; or 2. implement procedures to mitigate the likelihood of damage to underground facilities; or (ii) impose other similar measures. ... (b) (1) This subsection applies if a proceeding has not been initiated before the Authority. (2) A court of competent jurisdiction may assess a civil penalty of up to 10 times the cost of repairs to the underground facility caused by the damage, dislocation, or disturbance against a person that has committed a subsequent offense under subsection (a)(1) of this section. (3) An action to recover a civil penalty under this subsection shall be brought by an owner of a damaged, dislocated, or disturbed underground facility or the Attorney General in a court of competent jurisdiction in Baltimore City or the county in which the damage, dislocation, or disturbance occurred. (4) The party bringing an action under this subsection may recover reasonable attorney’s fees. (c) The Authority may not assess a civil penalty under subsection (a)(1)(ii) of this section if an action to recover a civil penalty has been brought under subsection (b) of this section.

<b>Penalties / Fines Operators (Yes / No)</b>	Yes
<b>Penalties / Fines Operators (Specific Language)</b>	Code of Md, Pub. Util. §12-135. (a) (3) A person that violates any provision of Part IV of this subtitle is subject to a civil penalty assessed by the Authority not exceeding \$2,000.
<b>Penalties / Fines Other (Yes / No)</b>	No
<b>Penalties / Fines Other (Specific Language)</b>	Not addressed
<b>Enforcement Authority Identified</b>	Maryland Underground Facilities Damage Prevention Authority ( <a href="http://www.mddpa.org/">http://www.mddpa.org/</a> ) (See Notes) (Maryland Miss Utility Law (2010) § 12-101(b); § 12-106 through § 12-117))
<b>Damage Investigation Required by Enforcement Authority (Yes / No)</b>	No
<b>Mandatory Reporting of Excavation Damage by All Utility Owners to State Entity or Department (Yes / No)</b>	No
<b>Mandatory Reporting by Excavators to State Entity or Department (Yes / No)</b>	No
<b>Mandatory Reporting to State Entity or Department - Gas Only (Yes / No)</b>	No
<b>Law and Regulation</b>	
<b>Statute / Law (Name &amp; Link)</b>	<a href="http://mgaleg.maryland.gov/webmgq/fmStatutesText.aspx?article=gpu&amp;section=12-101&amp;ext=html&amp;session=2015RS&amp;tab=subject5">Code of Maryland, Article - Public Utilities, §12-101 to §12-135</a> ( <a href="http://mgaleg.maryland.gov/webmgq/fmStatutesText.aspx?article=gpu&amp;section=12-101&amp;ext=html&amp;session=2015RS&amp;tab=subject5">http://mgaleg.maryland.gov/webmgq/fmStatutesText.aspx?article=gpu&amp;section=12-101&amp;ext=html&amp;session=2015RS&amp;tab=subject5</a> ) Also see <a href="#">One-Call Center Website for Information on State Law</a> .
<b>Date of Last Revision to Statute / Law</b>	October 1, 2015
<b>Administrative Rules / Regulations (Yes / No)</b>	No
<b>Administrative Rules / Regulations (Name &amp; Link)</b>	None noted (Reference <a href="http://www.dsd.state.md.us/COMAR/subtitle_chapters/20_Chapters.aspx">http://www.dsd.state.md.us/COMAR/subtitle_chapters/20_Chapters.aspx</a> ) See Notes regarding the Maryland Underground Facilities Damage Prevention Authority (MDUFDPA), that has ability to enforce the Maryland one-call damage prevention law, in the form of mandatory training or fines for violators.
<b>State One Call Center(s) (Name &amp; Link)</b>	(1) West of Chesapeake Bay -- Miss Utility of Maryland ( <a href="http://www.missutility.net">www.missutility.net</a> ) (2) East of Chesapeake Bay -- Miss Utility of Delmarva ( <a href="http://www.missutilitydelmarva.com">www.missutilitydelmarva.com</a> )
<b>Miscellaneous Notes</b>	
<b>Notes</b>	The Maryland Underground Facilities Damage Prevention Authority (MDUFDPA) was established by the Maryland legislature. MDUFDPA is not a state agency; MDUFDPA is a stakeholder-run organization with ability to enforce the Miss Utility Law in the form of mandatory training or fines for violators. All nine members of this Authority are appointed by the Governor. The makeup of this Authority is as follows: * Two underground facility owners that are Maryland members of the Maryland/DC Subscribers Committee; * One from the Associated Utility Contractors of Maryland; * One from the Public Works Contractors Association of Maryland; * One from the One-Call Centers operating in the State; * One that represents the underground utility locator community selected by the Maryland members of the Maryland/DC Damage Prevention Committee; * One from the Maryland Association of Counties with experience in the field of underground utilities; * One from the Maryland Municipal League with experience in the field of underground utilities; * One person from the general public selected by the appointed and qualified members of the Authority. (See <a href="http://www.mddpa.org/">http://www.mddpa.org/</a> )

State Damage Prevention / One-  
Call Law Recently Revised With  
Future Implementation Dates