

**State Damage Prevention Law Summary**  
**State: Michigan**  
(Link to State law provided in Law & Regulation section below)  
Summary Date: 8/7/2017

<b>Excavator Requirements</b>	
<b>Excavation: Definition</b>	Michigan Compiled Laws § 460.723 Sec. 3. (m) "Excavation" means moving, removing, or otherwise displacing earth, rock, or other material below existing surface grade with power tools or power equipment, including, but not limited to, grading, trenching, tiling, digging, drilling, boring, augering, tunneling, scraping, cable or pipe plowing, and pile driving; and wrecking, razing, rendering, moving, or removing a structure or mass of materials.
<b>Excavator: Definition</b>	Michigan Compiled Laws § 460.723 Sec. 3. (n) "Excavator" means any person performing excavation or blasting.
<b>Excavator Notice to One Call Required (Yes / No)</b>	Yes
<b>Excavator Notice Minimum # Working Days Before Digging</b>	3
<b>Excavator Notice (Specific Language)</b>	Michigan Compiled Laws § 460.725 Sec. 5. (1) An excavator shall provide a dig notice to the notification system at least 72 hours, but not more than 14 calendar days, before the start of any blasting or excavation. If the dig notice is given during business hours, the 72-hour period shall be measured from the time the dig notice is made to the notification system. If a dig notice is given before 7 a.m. on a business day, the 72-hour period begins at 7 a.m. on that day. If a dig notice is given on a nonbusiness day or after 5 p.m. on a business day, the 72-hour period begins at 7 a.m. on the next business day. All hours of nonbusiness days are excluded in counting the 72-hour period. If there are multiple excavators on the same site, each excavator shall provide its own dig notice.
<b>Ticket Life (# of days)</b>	21 days from start date of the excavation or blasting as identified by the excavator... 180 days from the start date if proposed excavation or blasting will not be completed within 21 days from the start date.. (Michigan Compiled Laws § 460.725 Sec. 5. (3))
<b>White-Line Required (Yes / No)</b>	Yes. (Michigan Compiled Laws § 460.725 Sec. 5. (13))
<b>Tolerance Zone</b>	48" (Michigan Compiled Laws § 460.723 Sec. 3. (f), "Caution zone")
<b>Special Digging Requirements Within Tolerance Zone (Specific Language)</b>	Michigan Compiled Laws § 460.723 Sec. 3. (bb) "Soft excavation" means a method and technique designed to prevent contact damage to underground facilities, including, but not limited to, hand-digging, cautious digging with nonmechanical tools, vacuum excavation methods, or use of pneumatic hand tools. § 460.725 Sec. 5. (5) Except as otherwise provided in this subsection, before blasting or excavating in a caution zone, an excavator shall expose all marked facilities in the caution zone by soft excavation. If conditions make complete exposure of the facility impractical, an excavator shall consult with the facility owner or facility operator to reach agreement on how to protect the facility. For excavations in a caution zone parallel to a facility, an excavator shall use soft excavation at intervals as often as reasonably necessary to establish the precise location of the facility. An excavator may use power tools and power equipment in a caution zone only after the facilities are exposed or the precise location of the facilities is established.
<b>Hand Dig / Vacuum or Soft Excavation Within Tolerance Zone (Yes / No)</b>	Yes. (Michigan Compiled Laws § 460.723 Sec. 3. (bb) and § 460.725 Sec. 5. (5))
<b>Preserve / Maintain Marks Required (Yes / No)</b>	No
<b>Call Again If No Response from Operator Or Signs Of Unmarked Facilities (Yes / No)</b>	Yes (Michigan Compiled Laws § 460.725 Sec. 5. (9))
<b>Notify One-Call if Marks Moved or No Longer Visible (Yes / No)</b>	Yes (Michigan Compiled Laws § 460.725 Sec. 5. (7))
<b>Special Language Regarding Trenchless Technology (Yes / No)</b>	No

<b>Separate Locate Request Required for Each Excavator (Yes / No)</b>	Yes (Michigan Compiled Laws § 460.725 Sec. 5. (1))
<b>Notify Operator of Damage (Yes / No)</b>	Yes (Michigan Compiled Laws § 460.725 Sec. 5. (10))
<b>Notify One Call Center of Damage (Yes / No)</b>	No
<b>Call 911 if Hazardous Materials Released (Yes / No)</b>	Yes (Michigan Compiled Laws § 460.725 Sec. 5. (11))
<b>Notice Exemptions (Yes / No)</b>	Yes
<b>Notice Exemptions (Specific Language)</b>	<p>Michigan Compiled Laws § 460.723 Sec. 3. (m) ... Excavation does not include any of the following: (i) Any of the following activities performed in the course of farming operations: (A) Any farming operation performed in the public right-of-way to a depth of not more than 12 inches below the existing surface grade if the farming operation is not performed within 6 feet of any aboveground structure that is part of a facility. (B) Any farming operation performed outside a public right-of-way and within 25 yards of an existing petroleum or natural gas pipeline to a depth of not more than 18 inches below the existing surface grade if the farming operation is not performed within 6 feet of any aboveground structure that is part of a facility. (C) Any farming operation performed outside a public right-of-way and not within 25 yards of an existing petroleum or natural gas pipeline if the farming operation is not performed within 6 feet of any aboveground structure that is part of a facility. (ii) Replacing a fence post, sign post, or guardrail in its existing location. (iii) Any excavation performed at a grave site in a cemetery. (iv) Any excavation performed within a landfill unit as defined in R 299.4103 of the Michigan administrative code during its active life as defined in R 299.4101 of the Michigan administrative code or during its postclosure period as set forth in R 299.4101 to R 299.4922 of the Michigan administrative code. (v) Any of the following activities if those activities are conducted by railroad employees or railroad contractors and are carried out with reasonable care to protect any installed facilities placed in the railroad right-of-way by agreement with the railroad: (A) Any routine railroad maintenance activities performed in the public right-of-way as follows: (I) Within the track area, either to the bottom of the ballast or to a depth of not more than 12 inches below the bottom of the railroad tie, whichever is deeper, if the routine railroad maintenance activity is not performed within 6 feet of any aboveground structure that is part of a facility that is not owned or operated by that railroad. (II) Outside the track area, not more than 12 inches below the ground surface, if the routine railroad maintenance activity is not performed within 6 feet of any aboveground structure that is part of a facility that is not owned or operated by that railroad. (B) Any routine railroad maintenance activities performed to a depth of not more than 18 inches below the flow line of a ditch or the ground surface in the railroad right-of-way, excluding the public right-of-way, if the routine railroad maintenance activity is not performed within 6 feet of any aboveground structure that is part of a facility that is not owned or operated by that railroad. (vi) Routine maintenance or preventative maintenance as those terms are defined in section 10c of 1951 PA 51, MCL 247.660c, to a depth of not more than 12 inches below the roadway and any shoulder of a street, county road, or highway.</p> <p>§ 460.723 Sec. 13. An individual engaged in a farming operation on a farm shall comply with this act beginning May 1, 2014.</p>
<b>Operator Response</b>	
<b>Minimum # Days for Operator to Respond After Receiving Notice (Generally)</b>	3
<b>Operator Requirements to Respond to Locate Notification (Specific Language)</b>	Michigan Compiled Laws § 460.727 Sec. 7. (1) A facility owner or facility operator shall respond to a ticket by the start date and time for the excavation or blasting under section 5(1) by marking its facilities in the area of the proposed excavation or blasting in a manner that permits the excavator to employ soft excavation to establish the precise location of the facilities. ... (9) This section does not apply to the state transportation department or to the marking of a county or intercounty drain by a county drain commissioner's office or drainage board.
<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>	Not addressed. (Reference Michigan Compiled Laws § 460.727 Sec. 7. (2). Also see Michigan Damage Prevention Board (MDPB) Recommended Marking Guidelines ( <a href="http://www.missdig.org/pdf/mdpb/MDPB%20Recommended%20Marking%20Guidelines.pdf">http://www.missdig.org/pdf/mdpb/MDPB%20Recommended%20Marking%20Guidelines.pdf</a> ))

Law Includes Specific Language For Operators To Locate Sewer Laterals (Yes / No)	No. (However, see MDPB Best Practice 2015-03 ( <a href="http://www.missdig.org/cm/dpl/downloads/content/77/Best_Practice_2015_03_Appurtenance_final.pdf">http://www.missdig.org/cm/dpl/downloads/content/77/Best_Practice_2015_03_Appurtenance_final.pdf</a> ))
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)	Not addressed
Positive Response Required - Operator Contact One Call Center (Yes / No)	Yes
Positive Response Required - Operator Contact One Call Center (Specific Language)	Michigan Compiled Laws § 460.727 Sec. 7. (3) A facility owner or facility operator shall provide notification to the notification system using positive response.
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. (However, the requirement is implied in Michigan Compiled Laws § 460.724 (5) which states Owners of real property on which there is a farm operation, as that term is defined in section 2 of the Michigan right to farm act, 1981 PA 93, MCL 286.472, may become a nonvoting member of the notification system known as a farm member, upon providing the notification system with the information necessary to send the farm member a ticket for purposes of notification under section 6 (1).
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)	[Although not specifying "electronically", detectability of new facilities is required.] Michigan Compiled Laws § 460.727 (8) New facilities built after the effective date of this act shall be constructed in a manner that allows their detection when in use.
Design Request (Yes / No)	Yes (Michigan Compiled Laws § 460.726a Sec. 6a.)
<b>One Call, Enforcement, and Reporting</b>	
Mandatory One Call Membership (Yes / No)	Yes (Michigan Compiled Laws § 460.724 Sec. 4 (1) and (4))

<b>One Call Membership Exemptions (Yes / No)</b>	Yes
<b>One Call Membership Exemptions (Specific Language)</b>	Michigan Compiled Laws § 460.724 Sec. 4. (4) .... This obligation and the requirements of this act for facility owners and facility operators do not apply to persons owning or operating a facility located on real property the person owns or occupies if the facility is operated solely for the benefit of that person.
<b>One-Call Law Addresses Board Make-Up (Yes / No)</b>	No
<b>One-Call Law Addresses Board Make-Up (Specific Language)</b>	Not addressed (Reference Michigan Compiled Laws § 460.724 Sec. 4 (2))
<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>	<p>Michigan Compiled Laws § 460.731 Sec. 11. (1) A person who engages in any of the following conduct is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than \$5,000.00, or both: (a) Knowingly damages an underground facility and fails to promptly notify the facility owner or facility operator. (b) Knowingly damages an underground facility and backfills the excavation or otherwise acts to conceal the damage. (c) Willfully removes or otherwise destroys stakes or other physical markings used to mark the approximate location of underground facilities unless that removal or destruction occurs after the excavation or blasting is completed or as an expected consequence of the excavation or blasting activity (2) Upon complaint filed with the commission or upon the commission's own motion, following notice and hearing, a person, other than a governmental agency, who violates any of the provisions of this act may be ordered to pay a civil fine of not more than \$5,000.00 for each violation. In addition to or as an alternative to any fine, the commission may require the person to obtain reasonable training to assure future compliance with this act. Before filing a complaint under this subsection, a person shall attempt to settle the dispute with the adverse party or parties using any reasonable means of attempted resolution acceptable to the involved parties.</p> <p>Michigan Administrative Rule R 460.20 (6) In cases where a person has committed a first offense that does not involve injury, death, or significant property damage, and where the person admits responsibility without requesting a hearing, the maximum civil fine to be assessed shall not exceed \$500.00</p>
<b>Penalties / Fines Operators (Yes / No)</b>	Yes
<b>Penalties / Fines Operators (Specific Language)</b>	<p>Michigan Compiled Laws § 460.731 Sec. 11. (1) A person who engages in any of the following conduct is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than \$5,000.00, or both: (a) Knowingly damages an underground facility and fails to promptly notify the facility owner or facility operator. (b) Knowingly damages an underground facility and backfills the excavation or otherwise acts to conceal the damage. (c) Willfully removes or otherwise destroys stakes or other physical markings used to mark the approximate location of underground facilities unless that removal or destruction occurs after the excavation or blasting is completed or as an expected consequence of the excavation or blasting activity (2) Upon complaint filed with the commission or upon the commission's own motion, following notice and hearing, a person, other than a governmental agency, who violates any of the provisions of this act may be ordered to pay a civil fine of not more than \$5,000.00 for each violation. In addition to or as an alternative to any fine, the commission may require the person to obtain reasonable training to assure future compliance with this act. Before filing a complaint under this subsection, a person shall attempt to settle the dispute with the adverse party or parties using any reasonable means of attempted resolution acceptable to the involved parties.</p> <p>Michigan Administrative Rule R 460.20 (6) In cases where a person has committed a first offense that does not involve injury, death, or significant property damage, and where the person admits responsibility without requesting a hearing, the maximum civil fine to be assessed shall not exceed \$500.00</p>
<b>Penalties / Fines Other (Yes / No)</b>	Yes

<b>Penalties / Fines Other (Specific Language)</b>	<p>Michigan Compiled Laws § 460.731 Sec. 11. (1) A person who engages in any of the following conduct is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than \$5,000.00, or both: (a) Knowingly damages an underground facility and fails to promptly notify the facility owner or facility operator. (b) Knowingly damages an underground facility and backfills the excavation or otherwise acts to conceal the damage. (c) Willfully removes or otherwise destroys stakes or other physical markings used to mark the approximate location of underground facilities unless that removal or destruction occurs after the excavation or blasting is completed or as an expected consequence of the excavation or blasting activity (2) Upon complaint filed with the commission or upon the commission's own motion, following notice and hearing, a person, other than a governmental agency, who violates any of the provisions of this act may be ordered to pay a civil fine of not more than \$5,000.00 for each violation. In addition to or as an alternative to any fine, the commission may require the person to obtain reasonable training to assure future compliance with this act. Before filing a complaint under this subsection, a person shall attempt to settle the dispute with the adverse party or parties using any reasonable means of attempted resolution acceptable to the involved parties.</p> <p>Michigan Administrative Rule R 460.20 (6) In cases where a person has committed a first offense that does not involve injury, death, or significant property damage, and where the person admits responsibility without requesting a hearing, the maximum civil fine to be assessed shall not exceed \$500.00.</p>
<b>Enforcement Authority Identified</b>	<p>Michigan Public Service Commission Michigan Compiled Laws § 460.723 Sec. 3 (g), and § 460.731 Sec. 11)</p>
<b>Damage Investigation Required by Enforcement Authority (Yes / No)</b>	<p>No</p>
<b>Mandatory Reporting of Excavation Damage by All Utility Owners to State Entity or Department (Yes / No)</b>	<p>Yes. (Michigan Compiled Laws § 460.731 Sec. 11. (5), and Michigan Administrative Rule R 460.40)</p>
<b>Mandatory Reporting by Excavators to State Entity or Department (Yes / No)</b>	<p>Yes. (Michigan Compiled Laws § 460.731 Sec. 11. (5), and Michigan Administrative Rule R 460.40)</p>
<b>Mandatory Reporting to State Entity or Department - Gas Only (Yes / No)</b>	<p>No</p>
<b>Law and Regulation</b>	
<b>Statute / Law (Name &amp; Link)</b>	<p><a href="http://www.legislature.mi.gov/(S/ggg4joy3iz4qbl55ledubj45)/mileg.aspx?page=getObject&amp;objectName=mcl-Act-174-of-20134">Michigan Compiled Laws §§ 460.721 to - 460.733, "Miss Dig Underground Facility Damage Prevention and Safety Act"</a> (<a href="http://www.legislature.mi.gov/(S/ggg4joy3iz4qbl55ledubj45)/mileg.aspx?page=getObject&amp;objectName=mcl-Act-174-of-20134">http://www.legislature.mi.gov/(S/ggg4joy3iz4qbl55ledubj45)/mileg.aspx?page=getObject&amp;objectName=mcl-Act-174-of-20134</a>) Also see <a href="#">One-Call Center Website for Information on State Law.</a></p>
<b>Date of Last Revision to Statute / Law</b>	<p>April 1, 2014</p>
<b>Administrative Rules / Regulations (Yes / No)</b>	<p>Yes</p>
<b>Administrative Rules / Regulations (Name &amp; Link)</b>	<p><a href="#">Michigan Administrative Rules, R 460.11, R 460.14, R 460.17, R 460.20, R 460.24, R 460.28, R 460.32, and R 460.40</a> (See Michigan Register, 2016 MR 24, January 15, 2017, pages 26 - 29, at: <a href="http://www.michigan.gov/documents/budget/MR24_010117_548456_7.pdf">http://www.michigan.gov/documents/budget/MR24_010117_548456_7.pdf</a>)</p>
<b>State One Call Center(s) (Name &amp; Link)</b>	<p><a href="http://missdig.org">Miss Dig 811</a> (<a href="http://missdig.org">http://missdig.org</a>)</p>
<b>Miscellaneous Notes</b>	
<b>Notes</b>	<p>Michigan's Act 53 of 1974 "Protection of Underground Facilities", was repealed by Act 174 of 2013, Effective April 1, 2014, "Miss Dig Underground Facility Damage Prevention and Safety Act".</p>
<b>State Damage Prevention / One-Call Law Recently Revised With Future Implementation Dates</b>	<p>0</p>