

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

Excavator Requirements	
Excavation: Definition	South Carolina Code of Laws (SC Law) § 58-36-2. (5) "Demolish" or "demolition" means any operation by which a structure or mass of material is wrecked, razed, rendered, moved, or removed by means of any tools, equipment, or discharge of explosives. ... (9) "Excavate" or "excavation" means an operation for the purpose of the movement or removal of earth, rock, or other materials in or on the ground by use of mechanized equipment or by discharge of explosives and including augering, backfilling, digging, ditching, drilling, well drilling, grading, plowing in, pulling in, ripping, scraping, trenching, and tunneling.
Excavator: Definition	SC Law § 58-36-2. (10) "Excavator" means any person engaged in excavation or demolition.
Excavator Notice to One Call Required (Yes / No)	Yes
Excavator Notice Minimum # Working Days Before Digging	3
Excavator Notice (Specific Language)	SC Law § 58-36-60. (A) Before commencing any excavation or demolition, the person responsible for the excavation or demolition shall provide, or cause to be provided, notice to the notification center of his intent to excavate or demolish. Notice for any excavation or demolition that does not involve a subaqueous facility must be given within three to twelve full working days before the proposed commencement date of the excavation or demolition. Notice for any excavation or demolition in the vicinity of a subaqueous facility must be made within ten to twenty full working days before the proposed commencement date of the excavation or demolition.
Ticket Life (# of days)	15 (SC Law § 58-36-60. (B))
White-Line Required (Yes / No)	Yes. (SC Law § 58-36-60. (E) (1))
Tolerance Zone	SC Law § 58-36-20. (21) "Tolerance zone" means: (a) if the diameter of the facility is known, the distance of one half of the known diameter plus twenty four inches on either side of the designated center line; (b) if the diameter of the facility is not marked, twenty four inches on either side of the outside edge of the mark indicating a facility; or (c) for subaqueous facilities, a clearance of fifteen feet on either side of the indicated facility.
Special Digging Requirements Within Tolerance Zone (Specific Language)	SC Law § 58-36-60. (E) (9) An excavator may not perform any excavation or demolition within the tolerance zone unless the following conditions are met (a) no use of mechanized equipment, except non invasive equipment specifically designed or intended to protect the integrity of the facility, within the marked tolerance zone of an existing facility until: (i) the excavator has visually identified the precise location of the facility, or has visually confirmed that no facility is present up to the depth of excavation; and (ii) reasonable precautions are taken to avoid any substantial weakening of the facility's structural or lateral support, or both, or penetration or destruction of the facilities or their protective coatings. Mechanical means may be used, as necessary, for initial penetration and removal of pavement or other materials requiring use of mechanical means of excavation and then only to the depth of the pavement or other materials. For parallel type excavations within the tolerance zone, the existing facility shall be visually identified at intervals not to exceed fifty feet along the line of excavation to avoid damages. The excavator shall exercise due care at all times to protect the facilities when exposing these facilities; (b) maintain clearance between a facility and the cutting edge or point of any mechanized equipment, taking into account the known limit of control of such cutting edge or point, as may be reasonably necessary to avoid damage to such facility; and (c) provide support for facilities in and near the excavation or demolition area, including backfill operations, as may be reasonably required by the operator for the protection of such facilities.
Hand Dig / Vacuum or Soft Excavation Within Tolerance Zone (Yes / No)	Yes. (SC Law § 58-36-60. (E) (9))
Preserve / Maintain Marks Required (Yes / No)	Yes. (SC Law § 58-36-60. (E) (7))
Call Again If No Response from Operator Or Signs Of Unmarked Facilities (Yes / No)	Yes. (SC Law § 58-36-60. (E) (6))
Notify One-Call if Marks Moved or No Longer Visible (Yes / No)	Yes. (SC Law § 58-36-60. (E) (7))

Special Language Regarding Trenchless Technology (Yes / No)	No
Separate Locate Request Required for Each Excavator (Yes / No)	Yes. (SC Law § 58-36-60. (A))
Notify Operator of Damage (Yes / No)	Yes. (SC Law § 58-36-90. (A))
Notify One Call Center of Damage (Yes / No)	Yes. (SC Law § 58-36-90. (A))
Call 911 if Hazardous Materials Released (Yes / No)	Yes. (SC Law § 58-36-90. (B))
Notice Exemptions (Yes / No)	Yes
Notice Exemptions (Specific Language)	<p>SC Law § 58-36-80 (A) An excavator performing an emergency excavation or demolition is exempt from the notice requirements in Section 58 36 60. However, the excavator must give, as soon as practicable, oral notice of the emergency to the notification center and the facility operator. The excavator must provide a description of the circumstances to the notification center and request emergency assistance from each affected operator in locating and providing immediate protection to the facilities.</p> <p>§ 58-36-110. A person is exempt from the requirements of Section 58 36 60(A) when an excavation is performed under the following conditions: (1) by the owner of a single family residential property on his own land when the excavation: (a) does not encroach on any operator's known right of way, easement, or permitted use; (b) is performed with nonmechanized equipment; and (c) is less than ten inches in depth; (2) tilling or plowing of soil when less than twelve inches in depth for agricultural purposes; (3) for excavation with nonmechanized equipment by an operator or an agent of an operator for the following purposes: (a) locating for a valid notification request, or for the minor repair, connecting or routine maintenance of an existing facility; or (b) underground probing to determine the extent of gas or water migration. (4) when the Department of Transportation, a local government, special purpose district, or public service district is carrying out maintenance activities within its designated right of way, which may include resurfacing, milling, emergency replacement of signs critical for maintaining safety, or the reshaping of shoulder and ditches to the original road profile.</p>
Operator Response	
Minimum # Days for Operator to Respond After Receiving Notice (Generally)	3 (SC Law § 58-36-70. (B))
Operator Requirements to Respond to Locate Notification (Specific Language)	<p>SC Law § 58-36-70. (A) An operator or designated representative must provide to an excavator the following information: (1) The horizontal location and description of all of its facilities in the area of the proposed excavation or demolition. The location shall be marked by stakes, paint, flags, or any combination thereof as appropriate depending on the site conditions of the proposed excavation or demolition using the APWA Uniform Color Code. If the diameter or width of the facility is greater than three inches, the dimension of the facility will be indicated at least every twenty five feet in the area of the proposed excavation or demolition. Operators who operate multiple facilities in the same trench shall locate each facility individually. (2) Any other information that would assist the excavator to identify, and thereby avoid damage to, the marked facilities. (B) The information in subsection (A) must be provided to the excavator within: (1) three full working days, not including the day the notice was made, for a facility after notice of the proposed excavation or demolition to the notification center; (2) ten full working days, not including the day the notice was made, for a subaqueous facility after notice of the proposed excavation or demolition to the notification center; or (3) as otherwise provided by written agreement by the excavator and the operator or designated representative 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)	No
Law Specifies Marking Standards Other Than Color (Specific Language)	Not addressed. Reference SC Law § 58-36-70 (A).

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)	No
Operator Must Locate Abandoned Facilities (Specific Language)	Not Addressed
Positive Response Required - Operator Contact Excavator (Yes / No)	Yes
Positive Response Required - Operator Contact Excavator (Specific Language)	SC Law § 58-36-70 (F) If extraordinary circumstances prevent the operator from marking the location in the required time period, the operator must notify the excavator either by contacting the notification center or by directly contacting the excavator. The operator must state the date and time when the location will be marked.
Positive Response Required - Operator Contact One Call Center (Yes / No)	Yes
Positive Response Required - Operator Contact One Call Center (Specific Language)	SC Law § 58-36-20. (19) "Positive response" means an automated information system that allows excavators, locators, operators, and other interested parties to determine the status of a locate request until excavation or demolition is complete. § 58-36-60. (E) An excavator must comply with the following: ... (2) Check the notification center's positive response system prior to excavating or demolishing to ensure that all operators have responded and that all facilities that may be affected by the proposed excavation or demolition have been marked. § 58-36-70. (D) An operator must provide a positive response to the notification center prior to the expiration of the required notice period. This response shall indicate the status of the required activities of the operator or designated representative in regard to the proposed excavation or demolition.
Positive Response - One-Call Automated (Yes / No)	Yes. (SC Law § 58-36-2. (19), § 58-36-60. (E), and § 58-36-70. (D))
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)	SC Law § 58-36-70. (G) All facilities installed by or on behalf of an operator as of the effective date of this act, must be electronically locatable using a generally accepted locating method by operators.

Design Request (Yes / No)	Yes. (SC Law § 58-36-100)
One Call, Enforcement, and Reporting	
Mandatory One Call Membership (Yes / No)	Yes. (SC Law § 58-36-50. (B))
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)	SC Law § 58-36-50. (A) Operators must maintain an association that will operate a notification center providing for the receipt of notice of excavation or demolition in a defined geographical area. The notification center must be governed by a board of directors composed of operators and damage prevention stakeholders that are members of the association. The by laws of the association must provide for a board of directors with the following membership: (1) one representative from each of the six facility members that receive the highest annual notification transmission volumes from the notification center; (2) one representative of a public water or sewer company; (3) one representative of an electric cooperative; (4) one representative of an investor owned natural gas utility; (5) one representative of a company that transports hazardous liquids as defined in 49 U.S.C. 60101(a)(4); (6) one representative of a telephone cooperative; (7) one representative of a rural water district; (8) one representative of the South Carolina Association of Municipal Power Systems; (9) one representative of the South Carolina Association of Counties; (10) one representative of a company licensed in South Carolina for facility contract locating; (11) one representative of the South Carolina Department of Transportation; (12) one representative of a company licensed in South Carolina for construction of roads and highways; (13) one representative of a company licensed in South Carolina for construction of facilities; (14) one representative of a company licensed in South Carolina for landscaping or irrigation; (15) one representative of a company licensed in South Carolina as a general contractor or as a subcontractor in the construction industry; (16) three representatives employed by different facility operators in South Carolina; and (17) one representative of a special purpose district providing natural gas. In choosing members of the association to fill these board positions, the association will solicit nominations from the membership of the association and industry organizations representing entities designated by this subsection. The South Carolina 811 Board of Directors existing on the effective date of this act must elect the board as required by the provisions of this subsection within nine months following the effective date of this act.
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)	SC Law § 58-36-120. Any person who violates any provision of this chapter shall be subject to a civil penalty not to exceed one thousand dollars for each violation.
Penalties / Fines Operators (Yes / No)	Yes
Penalties / Fines Operators (Specific Language)	SC Law § 58-36-120. Any person who violates any provision of this chapter shall be subject to a civil penalty not to exceed one thousand dollars for each violation.
Penalties / Fines Other (Yes / No)	Yes
Penalties / Fines Other (Specific Language)	SC Law § 58-36-120. Any person who violates any provision of this chapter shall be subject to a civil penalty not to exceed one thousand dollars for each violation.
Enforcement Authority Identified	Attorney General (SC Law § 58-36-120.)
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)	No
Mandatory Reporting by Excavators to State Entity or Department (Yes / No)	No
Mandatory Reporting to State Entity or Department - Gas Only (Yes / No)	No
Law and Regulation	
Statute / Law (Name & Link)	South Carolina Code of Laws (SC Law), Title 58, Chapter 36, Underground Facility Damage Prevention Act (http://www.scstatehouse.gov/code/title58.php) Also see One-Call Center Website for Information on State Law.
Date of Last Revision to Statute / Law	6/7/2011(Effective June 7, 2012)
Administrative Rules / Regulations (Yes / No)	No
Administrative Rules / Regulations (Name & Link)	None
State One Call Center(s) (Name & Link)	South Carolina 811 (http://www.sc1pups.org/)
Miscellaneous Notes	
Notes	0
State Damage Prevention / One-Call Law Recently Revised With Future Implementation Dates	0