

## State Damage Prevention Law Summary

State: **Arizona**

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

Summary Date: 8/7/2017

<b>Excavator Requirements</b>	
<b>Excavation: Definition</b>	Arizona Revised Statute 40-360.21-8. "Excavation" means any operation in which earth, rock or other material in the ground is moved, removed or otherwise displaced by means or use of any tools, equipment or explosives and includes, without limitation, grading, trenching, digging, ditching, drilling, augering, boring, tunnelling, scraping, cable or pipe plowing and driving.
<b>Excavator: Definition</b>	Not addressed
<b>Excavator Notice to One Call Required (Yes / No)</b>	Yes (See Notes, Note 1)
<b>Excavator Notice Minimum # Working Days Before Digging</b>	Two (2) days for any excavation in any public street, alley, right-of-way dedicated to the public use or public utility easement or in any express or implied private property utility easement. Ten (10) days for any excavation in an apartment community or mobile home park.
<b>Excavator Notice (Specific Language)</b>	Arizona Revised Statute 40-360.22.A - A person shall not make or begin any excavation in any public street, alley, right-of-way dedicated to the public use or public utility easement or in any express or implied private property utility easement or in any apartment community or mobile home park without first determining whether underground facilities will be encountered, and if so where they are located from each and every underground facilities operator and taking measures for control of the facilities in a careful and prudent manner. For all excavations in an apartment community or mobile home park, the excavator shall inform the landlord as promptly as practical that the excavator intends to submit an inquiry to the landlord that will trigger the landlord's obligations provided by subsection B of this section and the inquiry itself shall be made by certified mail to the landlord, using a form prepared by a one-call notification center. The inquiry to a landlord may be made by a one-call notification center for a reasonable fee to the excavator. B. Except as otherwise provided in this subsection, upon receipt of the excavator's inquiry, the underground facilities operator shall respond as promptly as practical, but in no event later than two working days, by carefully marking such facility with stakes or paint or in some customary manner. A landlord shall respond in the same manner and as promptly as practical, but in no event later than ten working days. No person shall begin excavating before the location and marking are complete or the excavator is notified that marking is unnecessary.
<b>Ticket Life (# of days)</b>	15 (ARS 40-360.22.J)
<b>White-Line Required (Yes / No)</b>	Yes, but only on request by the underground facilities operator. (ARS 40-360.22.C)
<b>Tolerance Zone</b>	24" (ARS 40-360.21. 4.)
<b>Special Digging Requirements Within Tolerance Zone (Specific Language)</b>	Arizona Revised Statute, 40-360.21 - 4. "Careful and prudent manner" means conducting an excavation in such a way that when the excavation is less than or equal to twenty-four inches from an underground facility that is marked with stakes or paint or in some customary manner, the facility is carefully exposed with hand tools, and the uncovered facility is supported and protected.
<b>Hand Dig / Vacuum or Soft Excavation Within Tolerance Zone (Yes / No)</b>	Yes
<b>Preserve / Maintain Marks Required (Yes / No)</b>	Yes (See Notes, Note 1)
<b>Call Again If No Response from Operator Or Signs Of Unmarked Facilities (Yes / No)</b>	Yes (See Notes, Note 1)
<b>Notify One-Call if Marks Moved or No Longer Visible (Yes / No)</b>	Yes (See Notes, Note 1)
<b>Special Language Regarding Trenchless Technology (Yes / No)</b>	Yes

Separate Locate Request Required for Each Excavator (Yes / No)	Yes (See Notes, Note 1)
Notify Operator of Damage (Yes / No)	Yes. (ARS 40-360.24. B.)
Notify One Call Center of Damage (Yes / No)	No
Call 911 if Hazardous Materials Released (Yes / No)	Yes. (ARS 40-360.24. A.)
Notice Exemptions (Yes / No)	No
Notice Exemptions (Specific Language))	The statute does not provide exemptions per se. However, Arizona Revised Statute 40-360.28 provides that civil penalties or liabilities for violations of the statute are not applicable to any excavation made: 1. During an emergency which involves danger to life, health or property if reasonable precautions are taken to protect underground facilities. 2. In agricultural operations or for the purpose of finding or extracting natural resources. 3. With hand tools on property owned or occupied by the person performing the excavation while gardening or tilling such property.
<b>Operator Response</b>	
Minimum # Days for Operator to Respond After Receiving Notice (Generally)	Two (2) days for any excavation in any public street, alley, right-of-way dedicated to the public use or public utility easement or in any express or implied private property utility easement. Ten (10) days for any excavation in an apartment community or mobile home park.
Operator Requirements to Respond to Locate Notification (Specific Language)	Arizona Revised Statute 40-360.22.B - Except as otherwise provided in this subsection, upon receipt of the excavator's inquiry, the underground facilities operator shall respond as promptly as practical, but in no event later than two working days, by carefully marking such facility with stakes or paint or in some customary manner. A landlord shall respond in the same manner and as promptly as practical, but in no event later than ten working days.
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)	Arizona Revised Statute 40-360.21 - 20: . "Stakes or paint or in some customary manner" means marking the location of an underground facility by the colors established by the commission. These colors shall be restricted to the underground facility location. Arizona Administrative Code, Chapter 2, Corporation Commission Fixed Utilities, Article 1. General Provisions, R14-2-106. Commission color code to identify location of underground facilities. A. If the location of an underground facility is marked with stakes, paint or in some customary manner...the facility owner will use the following color code....
Law Includes Specific Language For Operators To Locate Sewer Laterals (Yes / No)	Yes. (ARS 40-360.22. O.)
Law Includes Specific Language For Operators To Locate Abandoned Facilities (Yes / No)	Yes

<p><b>Operator Must Locate Abandoned Facilities (Specific Language)</b></p>	<p>Arizona Revised Statute 40-360.22. L. - For abandoned and apparently abandoned underground facilities: 1. The underground facilities operator shall notify the excavator whether the facility is active or abandoned. An inactive facility shall be considered active for purposes of this subsection. This section does not obligate any person to represent that an underground sewer facility in any public street, alley, right-of-way dedicated to public use or public utility easement is abandoned if it was installed on or before December 31, 2005 and it is not owned by an underground facilities operator of a sewer system. This paragraph does not obligate a landlord to represent that an underground facility in any apartment community or mobile home park is abandoned if it was installed before January 1, 2007. 2. For an underground facility abandoned after December 31, 1988 or covered by installation records prepared under section 40-360.30, the underground facilities operator may not advise or represent to the excavator that a facility or portion of a facility is abandoned unless the underground facilities operator has verified, by reference to installation records or by testing, that the facility or portion is actually abandoned and not merely inactive. For all other abandoned or apparently abandoned underground facilities, each one-call notification center shall establish a method of providing personnel from an underground facilities operator qualified to safely inspect and verify that the facility is abandoned or active. For the purposes of this article, an underground facilities operator shall not represent that an underground facility is abandoned unless the facility has been verified as abandoned pursuant to this subsection. 3. For the purposes of this article, if an excavator encounters an apparently abandoned underground facility, the excavator shall not treat the underground facility as abandoned until the excavator has received notification that the underground facility is abandoned pursuant to paragraph 1 of this subsection or has notified the underground facilities operator of the apparent abandonment and has received verification of abandonment pursuant to paragraph 2 of this subsection. 4. Each one-call notification center may establish a method for reimbursing the verifying underground facilities operator for the expenses incurred under paragraph 2 of this subsection. The reimbursement method shall... not include any charge or expense to the excavator. A landlord that fails to advise or represent that an underground facility is abandoned pursuant to paragraph 1 of this subsection, whose underground facility is verified as abandoned pursuant to this subsection and who has not filed information with a one-call notification center is liable to the one-call notification center and to all affected underground facilities operators and excavators for the cost of verifying abandonment together with any damages, including economic loss, proximately caused by the violation.</p>
<p><b>Positive Response Required - Operator Contact Excavator (Yes / No)</b></p>	<p>Yes. (See Notes, Note 1)</p>
<p><b>Positive Response Required - Operator Contact Excavator (Specific Language)</b></p>	<p>Not addressed. (See Notes, Note 1)</p>
<p><b>Positive Response Required - Operator Contact One Call Center (Yes / No)</b></p>	<p>Yes. (See Notes, Note 1)</p>
<p><b>Positive Response Required - Operator Contact One Call Center (Specific Language)</b></p>	<p>Not addressed. (See Notes, Note 1)</p>
<p><b>Positive Response - One-Call Automated (Yes / No)</b></p>	<p>No</p>
<p><b>Operator Must Provide One-Call Center with Information On Locations of Buried Facilities (Yes / No)</b></p>	<p>Yes</p>
<p><b>Operator Must Provide One-Call Center with Information On Locations of Buried Facilities (Specific Language)</b></p>	<p>[Limited] Arizona Revised Statute 40-360.32. C. ....An underground facilities operator who elects limited basis participation membership shall provide to the one-call notification center the location of its underground facilities solely by identifying the incorporated cities and towns, or for unincorporated county areas, by identifying the townships, in which it has facilities....</p>
<p><b>Operator Must Update Information On Locations of Buried Facilities (Yes / No)</b></p>	<p>No</p>
<p><b>Operator Must Update Information On Locations of Buried Facilities (Specific Language)</b></p>	<p>Not addressed</p>

<b>New Facilities Must Be Locatable Electronically (Yes / No)</b>	Yes
<b>New Facilities Must Be Locatable Electronically (Specific Language)</b>	Arizona Revised Statute 40-360.22.M - All new and active underground facilities installed in any real property after December 31, 2005 shall be installed with a detect ble underground location device unless the facility is capable of being detected from above ground with an electronic locating device or the facility is installed within single family residential property and is beneath a pool, permanent pool decking that is less than forty-eight inches from the pool or a permanent building.
<b>Design Request (Yes / No)</b>	Yes. (ARS 40-360.30. E.)
<b>One Call, Enforcement, and Reporting</b>	
<b>Mandatory One Call Membership (Yes / No)</b>	Yes. (ARS 40-360.32. B.)
<b>One Call Membership Exemptions (Yes / No)</b>	Yes
<b>One Call Membership Exemptions (Specific Language)</b>	Arizona Revised Statute, 40-360.32.B - Every underground facilities operator who is obligated to locate and mark underground facilities pursuant to section 40-360.22, subsection B, except a landlord exempted by this section, shall be a member of a one-call notification center, either statewide or serving each county in which such entity or person has underground facilities. This subsection does not apply to a landlord if the only underground facilities that the landlord are obligated to locate and mark are within an apartment community or mobile home park.
<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.
<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>	Arizona Revised Statute, 40-360.28.A - Except as provided in section 40-360.22, subsection M, a person who violates any provision of this article is subject to a civil penalty in an amount not to exceed five thousand dollars to be imposed by the court in favor of the state.
<b>Penalties / Fines Operators (Yes / No)</b>	Yes
<b>Penalties / Fines Operators (Specific Language)</b>	Arizona Revised Statute, 40-360.28.A - Except as provided in section 40-360.22, subsection M, a person who violates any provision of this article is subject to a civil penalty in an amount not to exceed five thousand dollars to be imposed by the court in favor of the state.
<b>Penalties / Fines Other (Yes / No)</b>	Yes
<b>Penalties / Fines Other (Specific Language)</b>	Arizona Revised Statute, 40.360.22.M. A person who violates this subsection is subject to a civil penalty in an amount not to exceed five thousand dollars. The building official shall administer and enforce this subsection for all underground facilities except those that are installed for a public utility or municipal corporation. 40-360.28.A - Except as provided in section 40-360.22, subsection M, a person who violates any provision of this article is subject to a civil penalty in an amount not to exceed five thousand dollars to be imposed by the court in favor of the state.
<b>Enforcement Authority Identified</b>	Arizona Revised Statute, 40-360.22.M - The building official (the agency or officer employed by a political subdivision of this state and charged with the administration and enforcement of a building code to regulate the quality, type of material and workmanship of construction of buildings or structures) shall administer and enforce this subsection for all underground facilities except those that are installed for a public utility or municipal corporation. 40-360.28.A - Except as provided in section 40-360.22, subsection M, a person who violates any provision of this article is subject to a civil penalty in an amount not to exceed five thousand dollars to be imposed by the court in favor of the state.

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 (See Notes, Note 2)
Mandatory Reporting by Excavators to State Entity or Department (Yes / No)	No
Mandatory Reporting to State Entity or Department - Gas Only (Yes / No)	Yes (See Notes, Note 2)
<b>Law and Regulation</b>	
Statute / Law (Name & Link)	Arizona Revised Statutes (ARS), Title 40, Article 6.3, Sections 40-360.21 to 40-360.32 ( <a href="http://www.azleg.gov/arsDetail/?title=40">http://www.azleg.gov/arsDetail/?title=40</a> ) Also see One-Call Center Website for Information on State Law.
Date of Last Revision to Statute / Law	8/6/2016
Administrative Rules / Regulations (Yes / No)	Yes
Administrative Rules / Regulations (Name & Link)	<a href="http://apps.azsos.gov/public_services/Title_14/14-02.pdf">Arizona Administrative Code, R14-2-106 and R14-2-101</a> ( <a href="http://apps.azsos.gov/public_services/Title_14/14-02.pdf">http://apps.azsos.gov/public_services/Title_14/14-02.pdf</a> )
State One Call Center(s) (Name & Link)	<a href="http://www.arizona811.com">Arizona 811</a> ( <a href="http://www.arizona811.com">www.arizona811.com</a> )
<b>Miscellaneous Notes</b>	
Notes	<ol style="list-style-type: none"> <li>1. Though not specifically outlined in AZ law or regulation, this requirement has been incorporated into the AZ program through interpretation and is considered enforceable.</li> <li>2. Arizona Administrative Code R14-2-101 requires all public service corporations to report any accident in which a public service corporation is involved which concerns death, personal injury, or property damage exceeding \$5,000.</li> </ol>
State Damage Prevention / One-Call Law Recently Revised With Future Implementation Dates	0