

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

Excavator Requirements	
Excavation: Definition	Kentucky Revised Statute (KRS) 367.4903 (3) "Demolition" means any operation by which a structure or mass of material is wrecked, razed, moved, or removed by means of mechanized equipment, or discharge of explosives; ... (6) "Excavation" means any activity that results in the movement, placement, probing, boring, or removal of earth, rock, or other material in or on the ground by the use of any tools or equipment, by the discharge of explosives, or by the harvesting of timber using mechanized equipment. Forms of excavating include but are not limited to auguring, backfilling, digging, ditching, drilling, driving, grading, piling, pulling-in, ripping, scraping, trenching, and tunneling. Driving wooden stakes by use of hand tools to a depth of six (6) inches or less below existing grade shall not constitute excavation;
Excavator: Definition	KRS 367.4903 (4) "Excavator" means any entity or individual, other than those exempted by KRS 367.4915, engaged in excavation, demolition, or timber harvesting using mechanized equipment;
Excavator Notice to One Call Required (Yes / No)	Yes
Excavator Notice Minimum # Working Days Before Digging	2
Excavator Notice (Specific Language)	<p>KRS 367.4907 Every person who engages in nonemergency timber harvesting using mechanized equipment, excavation, or demolition work shall conform to KRS 367.4905 to 367.4917. Compliance with excavator and operator notification requirements of KRS 367.4905 to 367.4917 shall not be required of authorized persons responding to emergency situations. However, these persons shall take every reasonable precaution to protect the public safety and underground facilities of others.</p> <p>KRS 367.4911 (1) (a) Each excavator, or person responsible for an excavation, planning excavation or demolition work shall, not less than two (2) full working [business] days nor more than ten (10) full working [business] days prior to commencing work, notify each affected operator of the excavator's intended work and work schedule. Contacting the applicable protection notification centers shall satisfy this requirement. (b) An excavator may commence work before the two (2) full working [business] days provided for in paragraph (a) of this subsection have elapsed if all affected operators have notified the person that the location of all the affected operators' facilities have been marked or that they have no facilities in the area of the proposed excavation, demolition, or timber harvesting.</p>
Ticket Life (# of days)	21 (KRS 367.4911 (2))
White-Line Required (Yes / No)	Yes (KRS 367.4911 (11))
Tolerance Zone	18" (KRS 367.4903 (11))
Special Digging Requirements Within Tolerance Zone (Specific Language)	KRS 367.4911 (10) When excavation or demolition is necessary within the approximate location of the underground facility, the excavator shall hand-dig or use nonintrusive means to avoid damage to the underground facility.
Hand Dig / Vacuum or Soft Excavation Within Tolerance Zone (Yes / No)	Yes (KRS 367.4903 (13) and KRS 367.4911 (10))
Preserve / Maintain Marks Required (Yes / No)	Yes (KRS 367.4911 (6))
Call Again If No Response from Operator Or Signs Of Unmarked Facilities (Yes / No)	Yes (KRS 367.4911 (7))
Notify One-Call if Marks Moved or No Longer Visible (Yes / No)	Yes (KRS 367.4911 (8)(a))
Special Language Regarding Trenchless Technology (Yes / No)	No

Separate Locate Request Required for Each Excavator (Yes / No)	Yes (KRS 367.4907, KRS 367.4911 (1)(a)), and KRS 367.4911 (4))
Notify Operator of Damage (Yes / No)	Yes (KRS 367.4911 (9)(a))
Notify One Call Center of Damage (Yes / No)	No
Call 911 if Hazardous Materials Released (Yes / No)	Yes (KRS 367.4911 (9)(b)).
Notice Exemptions (Yes / No)	Yes
Notice Exemptions (Specific Language)	<p>KRS 367.4903 (6) ... Driving wooden stakes by use of hand tools to a depth of six (6) inches or less below existing grade shall not constitute excavation</p> <p>KRS 367.4907 ... Compliance with excavator and operator notification requirements of KRS 367.4905 to 367.4917 shall not be required of authorized persons responding to emergency situations....</p> <p>KRS 367.4915. The requirements of KRS 367.4905 to 367.4917 shall not apply to the following: (1) Excavation by an operator on its own easement except where that easement is crossed by another operator's facilities; (2) Routine road maintenance or railroad maintenance or repairs; (3) Tilling of soil for agricultural purposes; (4) Excavators excavating on private property, using nonmechanized equipment, if there is no encroachment on any operator's right-of-way or easement; (5) The opening of a grave in a cemetery; (6) A solid waste disposal site which is properly permitted; (7) Coal mining operations which are currently regulated under KRS Chapter 350; (8) A utility operator or utility operator subcontractor performing emergency work as defined in KRS 367.4903; (9) Leak migration testing using metal probes inserted by hand by an authorized representative of the operator; or (10) Any nonintrusive excavating performed by an operator or his subcontractor to locate the operator's underground facilities in response to a notice of excavation from the notification center, if all reasonable precautions have been taken to protect the underground facilities.</p>
Operator Response	
Minimum # Days for Operator to Respond After Receiving Notice (Generally)	2
Operator Requirements to Respond to Locate Notification (Specific Language)	KRS 367.4909 (4) An operator shall respond to facility locate requests as follows: (a) To a normal excavation locate request within two (2) working [business] days after receiving notification from an excavator, excluding large projects. (b) To an emergency locate request as quickly as possible but not to exceed forty-eight (48) hours after receiving notification from an excavator; and (c) To a design information request within ten (10) working [business] days after receiving notification from the person making the request; and (d) To a large project request within five (5) working days from the later of receiving notification from an excavator or the scheduled excavation start date for that location.
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 KRS 367.4909 (8))
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)	No
Positive Response Required - Operator Contact Excavator (Specific Language)	Not addressed. (Reference KRS 367.4909 (6))
Positive Response Required - Operator Contact One Call Center (Yes / No)	No
Positive Response Required - Operator Contact One Call Center (Specific Language)	Not addressed. (Reference KRS 367.4909 (6))
Positive Response - One-Call Automated (Yes / No)	Not addressed. (Reference KRS 367.4909 (6))
Operator Must Provide One-Call Center with Information On Locations of Buried Facilities (Yes / No)	Yes
Operator Must Provide One-Call Center with Information On Locations of Buried Facilities (Specific Language)	KRS 367.4909 (3) Each operator member of the one-call center shall provide and update as needed to the one-call center the general location of its underground facilities, the operator identity and business address, and emergency notification telephone numbers.
Operator Must Update Information On Locations of Buried Facilities (Yes / No)	Yes
Operator Must Update Information On Locations of Buried Facilities (Specific Language)	KRS 367.4909 (3) Each operator member of the one-call center shall provide and update as needed to the one-call center the general location of its underground facilities, the operator identity and business address, and emergency notification telephone numbers.
New Facilities Must Be Locatable Electronically (Yes / No)	Yes
New Facilities Must Be Locatable Electronically (Specific Language)	KRS 367.4909 (10) All underground facilities installed after January 1, 2013, shall include a means to accurately identify and locate the underground facilities from the surface. This subsection does not apply to the repair of existing facilities.
Design Request (Yes / No)	Yes (KRS 367.4909 (4)(c) and KRS 367.4909 (6))
One Call, Enforcement, and Reporting	
Mandatory One Call Membership (Yes / No)	No
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)	KRS 367.4913 (2) The Kentucky Contact center shall be governed by a board of directors composed of representatives of member operators who are elected by the membership. Board seats may be filled by representatives of the following: (a) A natural gas provider; (b) An electric provider; (c) A telecommunications provider; (d) A water/sewer provider; (e) An interstate pipeline operator; (f) A municipal utility operator; and (g) An advisory, nonvoting representative of one (1) of the following: 1. Home Builders Association of Kentucky; 2. National Electrical Contractors Association; 3. Associated General Contractors of Kentucky; or 4. Kentucky Association of Plumbing, Heating-Cooling Contractors.
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)	KRS 367.4917 (1) An excavator who fails to comply with any provision of KRS 367.4911, or an operator who fails to comply with any provision of KRS 367.4909, shall be guilty of endangering underground facilities and may be subject to a fine of two hundred and fifty dollars (\$250) for the first offense, no more than one thousand dollars (\$1,000) for the second offense within one (1) year, and no more than three thousand dollars (\$3,000) for the third and any subsequent offense. ... (3) A person that knowingly provides false notice to a utility notification center of an emergency as defined in KRS 367.4903 shall be subject to a fine of one thousand dollars (\$1,000) for each offense. (4) Any person who violates any provision of the Underground Facility Damage Prevention Act of 1994, KRS 367.4901 to 367.4917, that involves damage to a facility containing any flammable, toxic, corrosive, or hazardous material or results in the release of any flammable, toxic, corrosive, or hazardous material shall be subject to a fine not to exceed one thousand dollars (\$1,000) for each offense. The penalties of this subsection are not in conflict with and are in addition to civil damages for personal injury or property damage.
Penalties / Fines Operators (Yes / No)	Yes
Penalties / Fines Operators (Specific Language)	KRS 367.4917 (1) An excavator who fails to comply with any provision of KRS 367.4911, or an operator who fails to comply with any provision of KRS 367.4909, shall be guilty of endangering underground facilities and may be subject to a fine of two hundred and fifty dollars (\$250) for the first offense, no more than one thousand dollars (\$1,000) for the second offense within one (1) year, and no more than three thousand dollars (\$3,000) for the third and any subsequent offense. ... (3) A person that knowingly provides false notice to a utility notification center of an emergency as defined in KRS 367.4903 shall be subject to a fine of one thousand dollars (\$1,000) for each offense. (4) Any person who violates any provision of the Underground Facility Damage Prevention Act of 1994, KRS 367.4901 to 367.4917, that involves damage to a facility containing any flammable, toxic, corrosive, or hazardous material or results in the release of any flammable, toxic, corrosive, or hazardous material shall be subject to a fine not to exceed one thousand dollars (\$1,000) for each offense. The penalties of this subsection are not in conflict with and are in addition to civil damages for personal injury or property damage.
Penalties / Fines Other (Yes / No)	Yes
Penalties / Fines Other (Specific Language)	KRS 367.4917 (2) A protection notification center that fails to comply with any provision of KRS 367.4913 shall be subject to a fine of one thousand dollars (\$1,000) for each offense. (3) A person that knowingly provides false notice to a utility notification center of an emergency as defined in KRS 367.4903 shall be subject to a fine of one thousand dollars (\$1,000) for each offense. (4) Any person who violates any provision of the Underground Facility Damage Prevention Act of 1994, KRS 367.4901 to 367.4917, that involves damage to a facility containing any flammable, toxic, corrosive, or hazardous material or results in the release of any flammable, toxic, corrosive, or hazardous material shall be subject to a fine not to exceed one thousand dollars (\$1,000) for each offense.
Enforcement Authority Identified	KRS 367.4917 (5)(c) identifies that state, county, or city officials, law enforcement, or fire protection agencies may issue citations for failure to comply with the provisions of the Kentucky Underground Facility Damage Prevention Act of 1994.
Damage Investigation Required by Enforcement Authority (Yes / No)	No (Reference KRS 367.4917 (5)(c) which notes that failure to comply MAY be determined at the conclusion of an investigation.)
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)	Kentucky Revised Statutes, Title XXIX, Chapter 367, §§ .4901 to .4917, Underground Facility Damage Prevention (http://www.lrc.ky.gov/KRS/367-00/CHAPTER.HTM) Also see One-Call Center Website for Information on State Law.
Date of Last Revision to Statute / Law	June 1, 2015
Administrative Rules / Regulations (Yes / No)	No
Administrative Rules / Regulations (Name & Link)	Not addressed
State One Call Center(s) (Name & Link)	Kentucky811 (http://www.kentucky811.org)
Miscellaneous Notes	
Notes	0
State Damage Prevention / One-Call Law Recently Revised With Future Implementation Dates	0