

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

Excavator Requirments	
Excavation: Definition	Mississippi Code § 77-13-3. (i) "Excavate or excavation" means any operation in which earth, rock or other material or mass of material on or below the ground is moved or otherwise displaced by any means, except: (i) the tilling of the soil less than twenty-four (24) inches in depth for agricultural purposes; or (ii) an operation in which earth, rock or other material or mass of material on or below the ground is moved or otherwise displaced to a depth of less than twelve (12) inches on private property by the property owner without the use of mechanical excavating equipment; or (iii) an operation in which earth, rock or other material or mass of material on or below the ground is moved or otherwise displaced without the use of mechanical excavating equipment to a depth of less than twelve (12) inches on private property by an excavator who is not the property owner, except when such excavation is in a clearly marked underground facility right-of-way; or (iv) routine railroad maintenance activities conducted within the track structure, drainage ditches, or within the railroad right-of-way a distance not to exceed thirty (30) feet from the outside rail of the outermost track or tracks, provided this work is performed by railroad employees or railroad contractors and is carried out with reasonable care so as to protect any underground facilities properly installed in the railroad right-of-way by agreement with the railroad; or (v) routine activities of a cemetery, provided that for any cemetery that begins or expands after July 1, 2015, such activities occur only after initial notice is provided to Mississippi 811, Inc., and all affected operators have advised that there are no underground facilities within the boundaries of the subject cemetery; or (vi) routine maintenance activities carried out by or for those responsible for publicly maintained roadways and rights-of-way, provided that the activities occur entirely within the public right-of-way and do not penetrate the earth to a depth of more than twelve (12) inches and are carried out with reasonable care so as to protect any underground facilities placed in the right-of-way. Routine maintenance activities shall be more specifically described in the rules and regulations adopted by the board; or (vii) the driving of wooden stakes by use of hand tools which do not penetrate the earth to a depth of not more than six (6) inches. The term "excavate" shall include, but not be limited to, the operations of demolition, blasting, grading, land leveling, trenching, digging, ditching, drilling, augering, tunneling, scraping, cable or pipe plowing, driving, jacking, wrecking, razing, rending, moving or removing any structure or other material or mass of material on or below the ground.
Excavator: Definition	Mississippi Code § 77-13-3. (j) "Excavator" means any person who engages directly in excavation.
Excavator Notice to One Call Required (Yes / No)	Yes
Excavator Notice Minimum # Working Days Before Digging	2
Excavator Notice (Specific Language)	Mississippi Code § 77-13-5. (1) In addition to complying with all other applicable regulations and requirements of federal, state, county and municipal authorities, no person shall engage in excavation of any kind, before meeting the notification requirements of this chapter. Under this chapter the excavator shall: ... (c) Except as provided in Section 77-13-11, provide not less than two (2) and not more than ten (10) working days' advance written, electronic or telephonic notice of the commencement, extent, location and duration of the excavation work to Mississippi 811, Inc., so that Mississippi 811, Inc., operator(s) may locate and mark the location of underground utility lines and underground facilities in the excavation area.
Ticket Life (# of days)	14 (Mississippi Code § 77-13-5. (2))
White-Line Required (Yes / No)	No
Tolerance Zone	18" (Mississippi Code § 77-13-3. (b))
Special Digging Requirements Within Tolerance Zone (Specific Language)	Mississippi Code § 77-13-5. (1) In addition to complying with all other applicable regulations and requirements of federal, state, county and municipal authorities, no person shall engage in excavation of any kind, before meeting the notification requirements of this chapter. Under this chapter the excavator shall: (a) Inform himself/herself of the presence and location of any underground utility lines and underground facilities in or near the area where excavation is to be conducted; (b) Plan and conduct the excavation to avoid or minimize interference with or damage to underground utility lines and underground facilities in or near the excavation area; maintain a clearance between any underground utility line or underground facility and the cutting edge or point of any mechanical excavating 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 provide such support for underground utility lines or underground facilities in and near the excavation area, including during any backfilling operations, as may be reasonably necessary for the protection of such facilities.

Hand Dig / Vacuum or Soft Excavation Within Tolerance Zone (Yes / No)	No
Preserve / Maintain Marks Required (Yes / No)	No
Call Again If No Response from Operator Or Signs Of Unmarked Facilities (Yes / No)	Yes (Mississippi Code of 1972, § 77-13-9. (3))
Notify One-Call if Marks Moved or No Longer Visible (Yes / No)	Yes (Mississippi Code of 1972, § 77-13-5. (2))
Special Language Regarding Trenchless Technology (Yes / No)	No
Separate Locate Request Required for Each Excavator (Yes / No)	Yes (Mississippi Code of 1972, § 77-13-5. (1))
Notify Operator of Damage (Yes / No)	Yes (Mississippi Code of 1972, § 77-13-7. (1))
Notify One Call Center of Damage (Yes / No)	Yes (Mississippi Code of 1972, § 77-13-7. (1))
Call 911 if Hazardous Materials Released (Yes / No)	Yes (Mississippi Code of 1972, § 77-13-7. (2))
Notice Exemptions (Yes / No)	Yes
Notice Exemptions (Specific Language))	<p>Mississippi Code of 1972 § 77-13-3 (i) "Excavate or excavation" means any operation in which earth, rock or other material or mass of material on or below the ground is moved or otherwise displaced by any means, except: (i) the tilling of the soil less than twenty-four (24) inches in depth for agricultural purposes; or (ii) an operation in which earth, rock or other material or mass of material on or below the ground is moved or otherwise displaced to a depth of less than twelve (12) inches on private property by the property owner without the use of mechanical excavating equipment; or (iii) an operation in which earth, rock or other material or mass of material on or below the ground is moved or otherwise displaced without the use of mechanical excavating equipment to a depth of less than twelve (12) inches on private property by an excavator who is not the property owner, except when such excavation is in a clearly marked underground facility right-of-way; or (iv) routine railroad maintenance activities conducted within the track structure, drainage ditches, or within the railroad right-of-way a distance not to exceed thirty (30) feet from the outside rail of the outermost track or tracks, provided this work is performed by railroad employees or railroad contractors and is carried out with reasonable care so as to protect any underground facilities properly installed in the railroad right-of-way by agreement with the railroad; or (v) routine activities of a cemetery, provided that for any cemetery that begins or expands after July 1, 2015, such activities occur only after initial notice is provided to Mississippi 811, Inc., and all affected operators have advised that there are no underground facilities within the boundaries of the subject cemetery; or (vi) routine maintenance activities carried out by or for those responsible for publicly maintained roadways and rights-of-way, provided that the activities occur entirely within the public right-of-way and do not penetrate the earth to a depth of more than twelve (12) inches and are carried out with reasonable care so as to protect any underground facilities placed in the right-of-way. Routine maintenance activities shall be more specifically described in the rules and regulations adopted by the board; or (vii) the driving of wooden stakes by use of hand tools which do not penetrate the earth to a depth of not more than six (6) inches. ...</p> <p>§ 77-13-5. (3) Compliance with the notice requirements of this section shall not be required of: (a) persons plowing less than twenty-four (24) inches in depth for agricultural purposes; (b) persons who are moving or otherwise displacing, by hand, earth, rock or other material or mass of material on or below the ground at a depth of less than twelve (12) inches on property they own; and (c) persons, other than the property owner, who are moving or otherwise displacing, by hand, earth, rock or other material or mass of material on or below the ground at a depth of less than twelve (12) inches, except when such excavation is in a clearly marked underground facility right-of-way.</p>
Operator Response	
Minimum # Days for Operator to Respond After Receiving Notice (Generally)	2

Operator Requirements to Respond to Locate Notification (Specific Language)	Mississippi Code § 77-13-9. (1) Every person owning or operating underground utility lines or underground facilities shall, upon receiving advance notice of the commencement of excavation, in accordance with Section 77-13-7, make an investigation, and may report through the use of the PRIS the status of the work performed, within two (2) working days from the time notice is provided in accordance with this chapter to the Mississippi 811, Inc., to determine the approximate location of its underground utility lines or underground facilities in the area of the proposed excavation, and shall either: (a) mark the approximate location of underground utility lines and underground facilities in or near the area of the excavation, so as to enable the person engaged in excavation work to locate the lines and facilities in advance of and during the excavation work; (b) advise in writing or by telephone or electronic means that it has no underground utility lines or underground facilities in the excavation area; or (c) advise in writing or by telephone or electronic means that it can locate its underground utility lines or underground facilities in the excavation area only by excavation. If an operator can locate its underground utility lines or underground facilities in the excavation area only by excavation and has given proper notice of such, that operator shall be allowed a reasonable amount of additional time, not to exceed two (2) additional working days, to mark the approximate location of the underground utility lines or underground facilities. (2) In lieu of such marking, the operator may request to be present at the site upon commencement of the excavation, so long as the operator complies within two (2) working days of the receipt of the notice.
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)	Mississippi Code § 77-13-9. (4) When marking the approximate location of the facilities, the operator shall follow the color code designated and described herein, unless otherwise provided for by specific administrative rule or regulation promulgated pursuant to this chapter....
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)	Locating abandoned facilities is not addressed. However, reference Mississippi Code § 77-13-9. (3) When an excavator, upon arriving at an excavation site, sees evidence of unmarked underground utility lines or underground facilities or encounters an unmarked underground utility line or underground facility on an excavation site after excavation has commenced where notice of intent has been made in accordance with the provisions of this chapter, that excavator must immediately contact Mississippi 811, Inc. All operator(s) thus notified must contact the excavator within four (4) hours and inform the excavator of any of their known underground facilities, active or abandoned, at the site of the excavation.
Positive Response Required - Operator Contact Excavator (Yes / No)	No
Positive Response Required - Operator Contact Excavator (Specific Language)	Not addressed. (Reference Mississippi Code § 77-13-9 (1)) [Discussion with Mississippi 811 indicates that the requirements noted in § 77-13-9 (1) (b) and (c) are to advise the excavator.]
Positive Response Required - Operator Contact One Call Center (Yes / No)	No
Positive Response Required - Operator Contact One Call Center (Specific Language)	Not addressed
Positive Response - One-Call Automated (Yes / No)	No. (However, see available use of Mississippi 811 "positive response information system" noted in Mississippi Code § 77-13-3. (r) and § 77-13-9 (1))

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)	Mississippi Code § 77-13-17. (7) All operators shall provide Mississippi One-Call System, Inc., the following information: (a) A list of counties, cities and towns in which the operator has underground utility lines or underground facilities in each county. (b) The townships, ranges, sections and quarter sections in each county in which the operator has underground utility lines or underground facilities or for other reasons wish to receive notification of proposed excavation.
Operator Must Update Information On Locations of Buried Facilities (Yes / No)	Yes
Operator Must Update Information On Locations of Buried Facilities (Specific Language)	Mississippi Code § 77-13-17. (7) All operators shall provide Mississippi One-Call System, Inc., the following information: ... (c) An update on an annual basis of each operator's underground utility lines or underground facilities for the State of Mississippi.
New Facilities Must Be Locatable Electronically (Yes / No)	Yes
New Facilities Must Be Locatable Electronically (Specific Language)	Mississippi Code § 77-13-9. (5) All utility facilities installed by owners or operators of utilities on or after January 1, 2010, shall be installed in such manner that the utility facility may be located by using a generally accepted electronic locating method.
Design Request (Yes / No)	Yes. (Mississippi Code § 77-13-5 (4) and § 77-13-9 (7))
One Call, Enforcement, and Reporting	
Mandatory One Call Membership (Yes / No)	Yes. (Mississippi Code § 77-13-17 (2))
One Call Membership Exemptions (Yes / No)	Yes
One Call Membership Exemptions (Specific Language)	Mississippi Code § 77-13-3. (g) Operator shall mean any person who owns or operates a utility. However, the term operator shall not include any railroad or the Mississippi Department of Transportation. § 77-13-17. (2) Operators who have underground utility lines or underground facilities within the State of Mississippi shall be a member of Mississippi 811, Inc.
One-Call Law Addresses Board Make-Up (Yes / No)	Yes
One-Call Law Addresses Board Make-Up (Specific Language)	Mississippi Code § 77-13-29. (1) There is created an Underground Facilities Damage Prevention Board for the purpose of enforcing this chapter. ... (4) The board shall be composed of sixteen (16) members and all board appointments shall be made on or before July 31, 2016, as follows: (a) The President of Mississippi 811, Inc., or his designee; (b) One (1) representative of the telecommunications industry, appointed by the Governor; (c) One (1) representative of the excavation, utility and/or site construction industry, appointed by the Lieutenant Governor; (d) One (1) representative of the electric power industry investor-owned utilities, appointed by the Governor; (e) One (1) representative of the Electric Power Associations of Mississippi, appointed by the Lieutenant Governor; (f) The Executive Director of the Mississippi Department of Transportation, or his designee; (g) One (1) representative of the cable industry appointed by the Governor; (h) One (1) representative of the Pipeline Safety Division, serving as an ex officio, nonvoting member; (i) One (1) representative of the natural gas or liquid transmission industry, appointed by the Lieutenant Governor; (j) One (1) representative of the natural gas or liquid distribution industry, appointed by the Lieutenant Governor; (k) The Executive Director of the Mississippi Association of Professional Surveyors, Inc., or his designee; (l) The Executive Director of the Mississippi Association of Supervisors, or his designee; (m) The Executive Director of the Mississippi Municipal League, or his designee; (n) The Executive Director of the Mississippi Homebuilders Association, or his designee; (o) The Chief Executive Officer of the Mississippi Rural Water Association, or his designee; and (p) The Executive Director of the American Council of Engineering Companies of Mississippi, or his designee.
Separate Body Designated to Advise Enforcement Authority (Yes / No)	Yes

Separate Body Designated to Advise Enforcement Authority (Specific Language)	Mississippi Code § 77-13-29. (1)There is created an Underground Facilities Damage Prevention Board for the purpose of enforcing this chapter. ... (3) The Pipeline Safety Division will provide administrative, investigative and legal support for the board as deemed necessary and approved by the board. The Pipeline Safety Division shall charge to the board the expenses associated with the administration, investigative and legal duties requested by the board.
Penalties / Fines Excavators (Yes / No)	Yes
Penalties / Fines Excavators (Specific Language)	Mississippi Code § 77-13-27. (1) Any person, whether excavator or operator, who violates this chapter, or the rules or regulations promulgated under this chapter, shall be subject to a civil penalty as follows: (a) For a first violation, the violator shall complete a course of training concerning compliance with this chapter as determined by the executive committee; (b) For a second violation occurring within a five-year period, the violator shall complete a course of training concerning compliance with this chapter as determined by the executive committee or pay a civil penalty in an amount set by the executive committee, not to exceed Five Hundred Dollars (\$500.00) per incident, or both; (c) For a third or subsequent violation occurring within a five-year period, the violator shall pay a civil penalty in an amount set by the executive committee, not to exceed Two Thousand Five Hundred Dollars (\$2,500.00) per incident; and (d) Notwithstanding this subsection and subsection (2) of this section, if any violation was the result of gross negligence or willful or wanton misconduct as determined by the executive committee, the executive committee shall require the violator to complete a course of training concerning compliance with this chapter as determined by the executive committee and pay a civil penalty in an amount set by the executive committee, not to exceed Five Thousand Dollars (\$5,000.00) per incident. (2) Any person who is required to complete a course of training under subsection (1) of this section shall be responsible for paying for the cost of the training. For those instances in which training is ordered, if the person is a firm, partnership, association, corporation, limited liability company, joint venture, department or subdivision of the state or other governmental entity or any other body or organization, the executive committee may require that at least one (1) manager or supervisor thereof attend any such training. (3) Any excavator who violates this chapter may be required to cease work on any excavation, or not start a proposed excavation, until the excavator complies with this chapter.
Penalties / Fines Operators (Yes / No)	Yes
Penalties / Fines Operators (Specific Language)	Mississippi Code § 77-13-27. (1) Any person, whether excavator or operator, who violates this chapter, or the rules or regulations promulgated under this chapter, shall be subject to a civil penalty as follows: (a) For a first violation, the violator shall complete a course of training concerning compliance with this chapter as determined by the executive committee; (b) For a second violation occurring within a five-year period, the violator shall complete a course of training concerning compliance with this chapter as determined by the executive committee or pay a civil penalty in an amount set by the executive committee, not to exceed Five Hundred Dollars (\$500.00) per incident, or both; (c) For a third or subsequent violation occurring within a five-year period, the violator shall pay a civil penalty in an amount set by the executive committee, not to exceed Two Thousand Five Hundred Dollars (\$2,500.00) per incident; and (d) Notwithstanding this subsection and subsection (2) of this section, if any violation was the result of gross negligence or willful or wanton misconduct as determined by the executive committee, the executive committee shall require the violator to complete a course of training concerning compliance with this chapter as determined by the executive committee and pay a civil penalty in an amount set by the executive committee, not to exceed Five Thousand Dollars (\$5,000.00) per incident. (2) Any person who is required to complete a course of training under subsection (1) of this section shall be responsible for paying for the cost of the training. For those instances in which training is ordered, if the person is a firm, partnership, association, corporation, limited liability company, joint venture, department or subdivision of the state or other governmental entity or any other body or organization, the executive committee may require that at least one (1) manager or supervisor thereof attend any such training. (3) Any excavator who violates this chapter may be required to cease work on any excavation, or not start a proposed excavation, until the excavator complies with this chapter.
Penalties / Fines Other (Yes / No)	No
Penalties / Fines Other (Specific Language)	Not addressed
Enforcement Authority Identified	Underground Facilities Damage Prevention Board (Mississippi Code § 77-13-29. (1))
Damage Investigation Required by Enforcement Authority (Yes / No)	Yes (Mississippi Code § 77-13-33. (1))
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)	Mississippi Code Annotated, Title 77. Public Utilities and Carriers, Chapter 13. Regulation of Excavations Near Underground Utility Facilities, §§ 77-13-1 through 77-13-37 (http://www.ms1call.org/law/) Also see One-Call Center Website for Information on State Law.
Date of Last Revision to Statute / Law	May 13, 2016 (See https://legiscan.com/MS/text/SB2755/2016)
Administrative Rules / Regulations (Yes / No)	No
Administrative Rules / Regulations (Name & Link)	None
State One Call Center(s) (Name & Link)	Mississippi 811 (http://www.ms1call.org/)
Miscellaneous Notes	
Notes	In accordance with Mississippi Code § 77-13-29. (1), the Mississippi Underground Facilities Damage Prevention Board (the board) "has the power and authority to: (a) Adopt a budget and promulgate rules and regulations to carry out the responsibilities of the board and the executive committee under this chapter. The board shall adopt its initial budget and promulgate its initial rules and regulations no later than December 31, 2016." Mississippi 811 reported on 5/17/17 that the proposed rules and regulations of the board have been submitted for internal review and approval. The rules will address, among other topics, the exclusion of routine maintenance activities from the one call process. The rules, once approved, could change the data contained herein for some aspects of the Mississippi damage prevention law. An updated status of those rules should be available within 30 days from 5/17/17.
State Damage Prevention / One-Call Law Recently Revised With Future Implementation Dates	0