

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

Excavator Requirements	
Excavation: Definition	Wyoming Statutes Annotated (WY Statutes) § 37-12-301. (b) (iii) "Excavation" or "excavates" means any operation in which earth, rock or other materials on or below the ground is moved or otherwise displaced by means of hand or power tools, power equipment or explosives or other means, and includes grading, trenching, digging, ditching, drilling, augering, tunneling, boring, plowing-in, pulling-in, ripping, scraping and cable or pipe installing, except tilling of soil and gardening or agricultural purposes;
Excavator: Definition	WY Statutes § 37-12-301. (b) (iv) "Excavator" means any person or entity that excavates or conducts excavation activities;
Excavator Notice to One Call Required (Yes / No)	Yes
Excavator Notice Minimum # Working Days Before Digging	2
Excavator Notice (Specific Language)	WY Statutes § 37-12-302. (c) Except as hereafter provided, no excavator shall make or begin excavation without first notifying the notification center of the proposed excavation. Notice shall be given by telephone, e-mail, fax or other electronic medium approved by the notification center at least two (2) full business days, but not more than fourteen (14) business days prior to any excavation to the notification center pursuant to W.S. 37-12-304.
Ticket Life (# of days)	14 (WY Statutes § 37-12-302. (c))
White-Line Required (Yes / No)	No
Tolerance Zone	24" (WY Statutes § 37-12-302. (d))
Special Digging Requirements Within Tolerance Zone (Specific Language)	WY Statutes § 37-12-302. (g) Compliance with this section does not excuse an excavator from exercising reasonable care in complying with this act nor does compliance with this section excuse an excavator from liability for damage or injury for failure to so act. When excavating, reasonable care shall require hand digging, as necessary, to protect the underground facility.
Hand Dig / Vacuum or Soft Excavation Within Tolerance Zone (Yes / No)	Yes. (WY Statutes § 37-12-302. (g))
Preserve / Maintain Marks Required (Yes / No)	No
Call Again If No Response from Operator Or Signs Of Unmarked Facilities (Yes / No)	No
Notify One-Call if Marks Moved or No Longer Visible (Yes / No)	No
Special Language Regarding Trenchless Technology (Yes / No)	No
Separate Locate Request Required for Each Excavator (Yes / No)	Yes. (WY Statutes § 37-12-302. (c))
Notify Operator of Damage (Yes / No)	Yes. (WY Statutes § 37-12-302. (h))
Notify One Call Center of Damage (Yes / No)	Yes. (WY Statutes § 37-12-302. (h))
Call 911 if Hazardous Materials Released (Yes / No)	No
Notice Exemptions (Yes / No)	Yes
Notice Exemptions (Specific Language)	WY Statutes § 37-12-301. (b) As used in this act: ... (iii) Excavation or excavates means any operation ... except tilling of soil and gardening or agricultural purposes;

Operator Response	
Minimum # Days for Operator to Respond After Receiving Notice (Generally)	2
Operator Requirements to Respond to Locate Notification (Specific Language)	WY Statutes § 37-12-302. (d) An operator shall at its expense, upon receipt of the notice provided for in subsection (c) of this section, use reasonable care to mark the location of the underground facilities with stakes, flags, paint or by other clearly identifiable marking within twenty-four (24) inches horizontally from the exterior sides of the operator's underground facilities. The location shall be marked using American Public Works Association uniform color standards. If requested by the excavator, the operator receiving the notice shall advise the excavator of the nature, location, size, function and depth if known, of underground facilities in the proposed excavation area. The operator shall respond no later than two (2) full business days after receipt of the notice from the notification center or at a time otherwise mutually agreed to by the operator and excavator. (e) Emergency excavations are exempt from the time constraints of the provisions of subsections (c) and (d) of this section.
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)	No. (Reference WY Statutes § 37-12-302. (d))
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)	WY Statutes § 37-12-302. (d) ... If requested by the excavator, the operator receiving the notice shall advise the excavator of the nature, location, size, function and depth if known, of underground facilities in the proposed excavation area.
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
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)	WY Statutes § 37-12-302. (a) Every operator shall file with the notification center a general description of the area served together with the name, address and telephone number of the person from whom necessary information may be obtained concerning the location of underground facilities.
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)	Not Addressed
Design Request (Yes / No)	Yes. (WY Statutes § 37-12-302. (b))
One Call, Enforcement, and Reporting	
Mandatory One Call Membership (Yes / No)	Yes. (WY Statutes § 37-12-304. (a))
One Call Membership Exemptions (Yes / No)	Yes
One Call Membership Exemptions (Specific Language)	WY Statutes § 37-12-305. (a) The following oil and gas production facilities are not subject to this act: (i) Aboveground or underground storage tanks, sumps, impoundments or piping connected to aboveground or underground storage tanks, sumps or impoundments located in the same tract of land as the storage tanks, sumps or impoundments; (ii) Underground production facilities operated by the owner of a secured facility which are located entirely within the secured facility; (iii) Piping within a well bore; (iv) Underground facilities which are located on a production lease or unit and which are operated by a person: (A) Who owns, in whole or in part, the mineral lease rights to that production lease or unit; and (B) Who operates the underground facility only for their own use. (b) An underground facility which extends beyond the boundaries of a production lease or unit is exempt only for that portion of the facility which is located within the boundaries of the lease or unit. (c) An underground facility which contains gas or hazardous liquid shall not be exempted under the provisions of this act as provided by paragraph (a)(iv) of this section if the facility is located within the boundaries of, or within one-eighth (1/8) of a mile of, an incorporated or unincorporated city or town, or any residential or commercial area, subdivision, business or shopping area, community development or any similarly populated area, or on an established surface or underground easement, or if it contains more than one hundred (100) parts per million of hydrogen sulfide. (d) Underground facilities located on private property owned by and existing for the exclusive use of that private property owner are exempt from the provisions of this act. (e) Private domestic water and sewer lines located outside any incorporated area and serving nine (9) or fewer service hook-ups, private irrigation and drainage lines and ditches, irrigation district and drainage district lines and ditches, and private livestock water pipelines and facilities are exempt from the provisions of this act. (f) Nothing in this section shall prohibit an operator of an underground facility which is exempted under this section to voluntarily register that facility under this act. (g) Underground facilities operated by the owner of a secured facility which are located entirely within the secured facility are exempt from the provisions of this act.
One-Call Law Addresses Board Make-Up (Yes / No)	No
One-Call Law Addresses Board Make-Up (Specific Language)	Not Addressed
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)	WY Statutes § 37-12-306. (h) With respect to excavators: (i) Every excavator shall notify the notification center pursuant to W.S. 37 12 302(c) prior to commencing any excavation activity. Any excavator who fails to notify the notification center pursuant to W.S. 37 12 302(c) shall be liable for a civil penalty in the amount of five hundred dollars (\$500.00); (ii) If an excavator fails to comply with W.S. 37 12 302(c) and damages an underground facility during excavation, the excavator shall be liable for a civil penalty up to the amount of five thousand dollars (\$5,000.00) for the first offense and up to twenty-five thousand dollars (\$25,000.00) for a second offense within a twelve (12) month period after the date of the first offense. If an excavator fails to comply with W.S. 37 12 302(c) on more than two (2) separate occasions within a twelve (12) month period from the date of the first failure to comply with W.S. 37 12 302(c), then the civil penalty shall be up to seventy-five thousand dollars (\$75,000.00). Upon a first offense, the excavator may be required to complete an excavation safety training program with the notification center; (iii) If an excavator requests a facilities locate on an expedited basis (less than two (2) full business days) for an emergency excavation and the excavation at issue was not an emergency and did not require a locate on an expedited basis, the excavator shall be liable for a civil penalty of up to five hundred dollars (\$500.00) for each false emergency locate incident;
Penalties / Fines Operators (Yes / No)	Yes
Penalties / Fines Operators (Specific Language)	WY Statutes § 37-12-306. (g) With respect to operators: (i) Every operator in Wyoming shall join and participate in the notification center pursuant to W.S. 37 12 304(a). Any operator who does not join or participate in the notification center shall be liable for a fine of five hundred dollars (\$500.00) each year it is not in compliance with this subsection; (ii) If any underground facility located in the service area of an operator is damaged as a result of the operator's failure to join or participate in the notification center pursuant to W.S. 37 12 304(a), the court shall impose upon such operator a civil penalty up to the amount of five thousand dollars (\$5,000.00) for the first offense and up to twenty-five thousand dollars (\$25,000.00) for a second offense within a twelve (12) month period after the first offense. If any underground facility located in the service area of an operator is damaged as a result of the operator's failure to join or participate in the notification center pursuant to W.S. 37 12 304(a) on more than two (2) separate occasions within a twelve (12) month period from the date of the first failure to comply with W.S. 37 12 304(a), then the civil penalty shall be up to seventy-five thousand dollars (\$75,000.00). Upon a first offense, the operator may be required by the court to complete an excavation safety training program with the notification center; (iii) If any underground facility is damaged as a result of the operator's failure to comply with W.S. 37 12 304(a) or failure to use reasonable care in the marking of the damaged underground facility, the operator shall be liable for: (A) Any cost or damage incurred by the excavator as a result of any delay in the excavation project while the underground facility is restored, repaired or replaced, together with reasonable costs and expenses of suit, including reasonable attorney fees; and (B) Any injury or damage to persons or property resulting from the damage to the underground facility. The operator shall also indemnify and defend the affected excavator against any and all claims or actions, if any, for personal injury, death, property damage or service interruption resulting from the damage to the underground facility. (iv) If an operator, after receipt of a notice from an excavator or notification center pursuant to W.S. 37 12 302(c), fails to mark the location of its underground facilities within the time period specified in W.S. 37 12 302(d), and unless the failure resulted from circumstances beyond the operator's control, the court shall impose upon the operator a civil penalty of up to five hundred dollars (\$500.00) for each violation. For purposes of this paragraph, each day of delay in marking underground facilities shall be a separate violation.
Penalties / Fines Other (Yes / No)	No
Penalties / Fines Other (Specific Language)	Not addressed
Enforcement Authority Identified	WY Statutes § 37-12-306. (a) An action to recover a civil penalty under this section may be brought by an operator, excavator, aggrieved party, the notification center, county attorney, district attorney or the attorney general. Venue for an action shall be in the district court for the county in which the operator, excavator, aggrieved party or the notification center resides or maintains a principal place of business in this state or in the county in which the conduct giving rise to a civil penalty occurred. The action provided in this subsection may be by jury trial if a jury is demanded by either party.
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)	Wyoming Statutes Annotated (WY Statutes), Title 37, Chapter 12, Article 3, Damage To Underground Public Utility Facilities, §§ 37-12-301 to 37-12-306 (http://legisweb.state.wy.us/statutes/statutes.aspx?file=titles/Title37/T37CH12AR3.htm) — Also see One-Call Center Website for Information on State Law .
Date of Last Revision to Statute / Law	July 1, 2010
Administrative Rules / Regulations (Yes / No)	No
Administrative Rules / Regulations (Name & Link)	None
State One Call Center(s) (Name & Link)	One Call of Wyoming (http://www.onecallofwyoming.com)
Miscellaneous Notes	
Notes	0
State Damage Prevention / One-Call Law Recently Revised With Future Implementation Dates	0