

NORTH DAKOTA ONE CALL Law Changes Effective August 1, 2017

ND Century Code 49-23

The 2017 North Dakota
Legislative session enacted
changes to the North Dakota
One Call Law to be effective
on August 1, 2017.



Know what's **below.**
Call before you dig.

**To view House Bill 1026 with the
changes noted, visit:
www.ndonecall.com/law-changes**

1. **Manual digging:** Clarifies careful and prudent digging to mean an excavator must manually dig within two feet of the centerline indicated for any located facility.
2. **Locate times:** Clarifies start time of the locate period as the later of:
 - a. 48 hours beginning at 12:01am the day after the request is submitted to the notification center, plus any 24 hour extension provided through the notification center, or
 - b. The period between the submission of the locate request to the notification center and the noted date and time of excavation.



3. **Positive response:** Mandatory for operators, allowing excavation to begin as soon as possible.
4. **Costs:** Change in wording on who shall participate in the costs of a statewide notification center.
5. **Board seat:** Adds a seat on the ND One Call Board of Directors for gathering and transmission oil and gas pipelines.
6. **Site identification:** Requires an excavator to identify the area to be excavated by physical or electronic means, or other means as agreed upon by the parties to the ticket (narrows the scope of the excavation area for location purposes).
7. **Ticket size:** Defines urban ticket areas as three contiguous city blocks in urban areas, four contiguous quarter sections, or five linear miles in rural areas.
8. **Costs for non-locatable facilities:** If an excavator cannot expose the facility within two feet as marked by the operator, requests assistance from operator and operator fails to assist within a reasonable amount of time, the operator is responsible for the excavator's reasonable costs to expose the facility.
9. **Proof of excavation:** Burden of proof lies with excavator (ticket requestor) to show excavation has occurred when disputing a bill for a third locate request on the same ticket (current law allows for billing

reasonable locate costs for third and any subsequent locate requests on the same ticket when no excavation has occurred).

10. **Repeat locate requests:** If the ND Public Service Commission determines additional locate requests were caused by an excavator's failure to maintain and remove markings, the excavator would be responsible for reasonable locate costs.
11. **Survey ticket:** Creates a survey ticket option for non-excavation locate requests, which allows for electronic data exchange, reduces flag management issues, and has a longer locate window (5 days).
12. **Culpability:** Changes the level of proof from 'knowingly' to 'knew or reasonably should have known'.



**Know what's below.
Call before you dig.**

Locate requests can also be filed online 24/7/365 by using the ITIC system.

Visit www.ndonecall.com and click on the ITIC/IMAP link.