

House Bill 1122 Underground Facility Protection: Authored by Rep. Dale DeVon and Co-Authored by Rep. Sharon Negele, Sponsored by: Sen. Blake Doriot, Sen. David Niezgodski, Sen. Erich Koch has issued a law change affecting Indiana’s Dig Law (8-1-26). This law change will go into effect on Wednesday, January 1, 2025. Highlights are below. To read the bill in its entirety, please visit <https://iga.in.gov/pdf-documents/123/2024/house/bills/HB1122/HB1122.04.ENRS.pdf>

**Working Day:**

**Definition of working day:**

Adds hours to the term working day. Working day is 7 am to 6 pm ET.

*Per House Bill 1122: SECTION 4. IC 8-1-26-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2025]: Sec. 12. As used in this chapter, "working day" means every day, except Saturday, Sunday, and state and national legal holidays, from 7 a.m. to 6 p.m. prevailing time.*

Added to define prevailing time as the time observed in Indianapolis, Indiana.

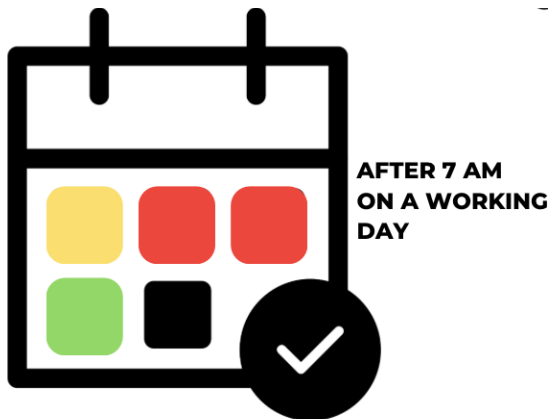
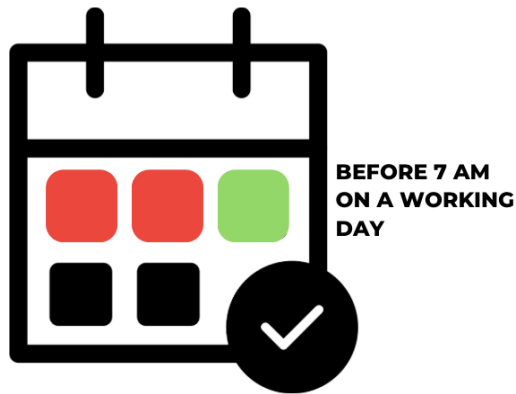
*SECTION 1. IC 8-1-26-11.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2025]: Sec. 11.3. As used in this chapter, "prevailing time" means the time observed in Indianapolis, Indiana.*

**How is the 2 full working day notice calculated?**

If the locate request/ticket is submitted after 7 am ET on a working day, that day will not be counted in the notice given to our Member Utilities. All times are in ET. (Current calculation as of 2024)

<b>Normal Notice Creation Day (After 7 a.m. ET)</b>	<b>Day 1</b>	<b>Day 2</b>	<b>Proper Notice (If markings or response has been received from all utility operators with facilities in the area of the dig site.)</b>
Monday	Tuesday 7 a.m. – 6 p.m.	Wednesday 7 a.m. – 6 p.m.	Thursday at 7 a.m.
Wednesday	Thursday 7 a.m. – 6 p.m.	Friday 7 a.m. – 6 p.m.	Monday at 7 a.m.

*Per House Bill 1122: SECTION 5. IC 8-1-26-16, AS AMENDED BY P.L.122-2017, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2025]: Sec. 16. (c) A person responsible for excavation or demolition may not commence work before 7 a.m. prevailing time on the next working day that follows the elapse of two (2) full working days after the time of receipt of the person's notice under subsection (a).*



### **Commencing work before the two full working days is up:**

You can commence work before the two full working days if all affected operators have notified the excavator that the location has been marked or is clear of their facilities through positive response.

*Per House Bill 1122 SECTION 5. IC 8-1-26-16, AS AMENDED BY P.L.122-2017, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2025]: Sec. 16. However, a person responsible for excavation or demolition may commence work before 7 a.m. prevailing time on the next working day that follows the elapse of two (2) full working days after the time of receipt of the person's notice under subsection (a) if all affected operators have notified the person provided to the association an electronic positive response indicating that the location of all the affected operators' facilities have been marked or that the affected operators have no facilities in the location of the proposed excavation or demolition.*

### **Select your excavation start date up to 10 days out:**

You can select an excavation start date that is between 2 full working to 10 calendar days.

*Per House Bill 1122 SECTION 5. IC 8-1-26-16, AS AMENDED BY P.L.122-2017, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2025]: Sec. 16. (a) The notice required under subdivision (1) must be received at least two (2) full working days but not more than ten (10) calendar days before the commencement of the work. Notice is considered received for purposes of this section at the prevailing time the association receives the notice from the person responsible for the excavation or demolition.*

Cannot submit a ticket for more than 10 days out and must share start date and time if known.

*Per House Bill 1122 SECTION 5. IC 8-1-26-16, AS AMENDED BY P.L.122-2017, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2025]: Sec. 16. (e) The notice required by subsection (a) must contain the following information:(1) The name, address, and telephone number of the person serving the notice, and, if different, the person responsible for the excavation or demolition.(2) The: (A) starting date and time, if known; (B) anticipated duration; and (C) type; of the excavation or demolition operation to be conducted. The starting date and time of the excavation or demolition may not be later than ten (10) days after the time of receipt of the notice. Positive Response can be delayed correlating with the scheduled tickets.*

*Per House Bill 1122 SECTION 8. IC 8-1-26-18, AS AMENDED BY P.L.122-2017, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2025]: Sec. 18. (a) Subject to subsection (k), each (m), an operator notified to which the association provides a notice of intent under section 16 of this chapter shall comply with subsection (b) not later than: (1) 7 a.m. prevailing time on the next working day that follows the elapse of two (2) full working days after receiving the operator receives the notice of intent; provided in section 16 of this chapter, or (2) the starting date and time of the excavation or demolition stated in the notice of intent; whichever is later.*

## **When does my locate request/ticket expire?**

Tickets expire at 11:59 pm ET on the twentieth day.

*Per House Bill 1122 SECTION 5. IC 8-1-26-16, AS AMENDED BY P.L.122-2017, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2025]: Sec. 16. (g) A notice provided under this section by a person responsible for an excavation or demolition expires at 11:59 p.m. prevailing time twenty (20) days after the date the notice is submitted to received by the association under subsection (a). as determined in the manner specified in section 17(d) of this chapter.*

## **Tolerance Zone:**

Defines the term “tolerance zone” and puts in law the donut radius for the tolerance zone.

*Per House Bill 1122 SECTION 2. IC 8-1-26-11.4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2025]: Sec. 11.4. As used in this chapter, "tolerance zone", with respect to a physical plant, means an area extending not less than: (1) the width of the underground facilities of the physical plant; plus (2) two (2) feet; above, below, and in a full radius surrounding all outer limits of both the underground and aboveground facilities of the physical plant.*

## **White Lining:**

*Adds that electronic white lining is an acceptable form of white lining, that is approved by the association.*

*Per House Bill 1122 SECTION 3. IC 8-1-26-11.5, AS ADDED BY P.L.62-2009, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2025]: Sec. 11.5. As used in this chapter, "white lining" means the act of marking the route or boundary of a proposed excavation or demolition: (1) by means of white paint, flags, or stakes or by electronic means approved by the association; or (2) through a combination of white paint, flags, and stakes. the means described in subdivision (1); before the excavation or demolition.*

## **Positive Response:**

Mandatory positive response for all tickets, including design tickets, to Indiana 811 for all members.

*Per House Bill 1122 SECTION 8. IC 8-1-26-18, AS AMENDED BY P.L.122-2017, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2025]: Sec. 18. (2) Provide to the association an electronic positive response. (c) An operator that receives a notice of intent under section 16 of this chapter and that has underground facilities in the location of the proposed excavation or demolition shall provide an electronic positive response to the association, in the manner prescribed by the association, when the operator has provided the marking information required by this chapter. The association shall provide an operator's electronic positive response under this subsection to the person responsible for the excavation or demolition.*

Mandatory positive response to Indiana 811 for a "clear" ticket request.

*Per House Bill 1122 SECTION 8. IC 8-1-26-18, AS AMENDED BY P.L. 122-2017, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2025]: Sec. 18. (g) Each An operator to which the association provides a notice of intent under section 16 of this chapter and that has no underground facilities in the location of the proposed excavation or demolition shall, not later than: (1) 7 a.m. prevailing time on the next working day that follows the elapse of two (2) full working days after the operator receives the notice of intent or (2) the starting date and time of the excavation or demolition.*

Person responsible for excavation or design must acknowledge receipt of positive response to their ticket.

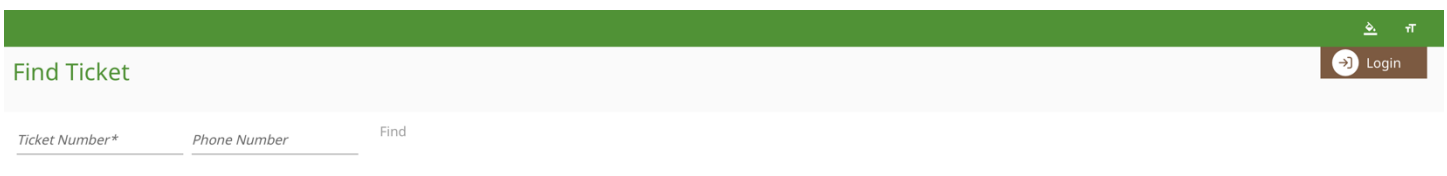
*Per House Bill 1122 SECTION 8. IC 8-1-26-18, AS AMENDED BY P.L.122-2017, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2025]: Sec. 18. (n) A person responsible for an excavation or demolition shall, before commencing the excavation or demolition, provide an affirmative response to the association, in the manner prescribed by the association, acknowledging the person's receipt of the information provided under subsections (c) and (g).*

How do I check positive response on a ticket **without** an Exactix account?

1. Navigate to [indiana811.org](https://indiana811.org)
2. Select search tickets in upper right-hand corner



3. Enter ticket number and phone number to find your ticket and verify positive response.



How do I check positive response on a ticket **with** an Exactix account in Exactix?

1. Navigate to <https://811.indiana811.org/login>
2. Login to your Exactix account
3. Navigate to the ticket tab on the left-hand side of the screen



#### 4. Access the ticket you are reviewing positive response for

**Indiana 811** Switch to... TEST PRO EXCAVATOR

2408200007 v0 Status: Released  
 Agent: TEST PRO EXCAVATOR Function: New  
 Taken: 08/20/2024 12:37 PM - 12:38 PM Notify By: Address

Ticket | Text | Service Areas | Responses | Revisions

Work not Completed (click to toggle) Show Confirmation

**Excavator Information**

Excavator ID: 686143  
 What is the best phone number to reach you?  
 Caller or person creating: TEST PRO EXCAVATOR  
 Company digging: INDIANA 811  
 Mailing address of the person or company digging:  
 1433 HOLEY MOLEY WY, GREENWOOD, IN, 46143  
 Email: TEST@INDIANA811.ORG  
 Work being done for: TEST PRO EXCAVATOR  
 Name of the Person Excavating: TEST PRO EXCAVATOR

Company ID: 214029  
 (502) 555-5555  
 Caller Type: CONTRACTOR  
 Office: GREENWOOD

Fax:  
 Job ID:  
 Phone (Cell): (502) 555-5555

Map Help

#### 5. Select the Responses tab at the top of the ticket and view the positive responses

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Show:  Current Only (11)  No Response (0)  All (11)  Include events (3)

Status	Date	Service Area	Utility Type	Response	Entry Method	Comments
Current	08/20/2024 12:40 PM	COMCAST CABLE (INDIANAPOLIS)		1: Underground facilities in the proposed excavation area have been marked.	Operator	Respondent: TEST MEMBER TEST POSITIVE RESPONSE
Current	08/20/2024 12:40 PM	TEST1	WATER	2: No underground facilities are in the proposed excavation or design area.	Operator	Respondent: TEST MEMBER 2 TEST - CLEAR
Current	08/20/2024 12:41 PM	TEST1	SEWER	1: Underground facilities in the proposed excavation area have been marked.	Operator	Respondent: TEST MEMBER 3 MARKED

#### Who is required to provide Positive Response to Indiana 811?

All Member Utilities or their Contract Locator must use Indiana 811's Positive Response system to effectively communicate their tickets to the requesting party, reducing the need for additional notices.