

## § 12-101. Definitions

*Emergency.* – “Emergency” means a sudden or unexpected occurrence involving a clear and imminent danger demanding immediate action to prevent or mitigate loss of, or injury to, life, health, property, or essential public service. *Amending §12-121*

## § 12-121. Emergency excavation or demolition

*Emergency definition approved - Changes to this § needed.*

(a) In general. -- Subject to § 12-120(b) of this subtitle, if all reasonable precautions have been taken to protect underground facilities, § 12-120(a) of this subtitle and §§ 12-122 through 12-135 of this subtitle do not apply to an emergency excavation or demolition being performed to prevent danger to life, health, or property.

(b) Requirements. -- A person performing an emergency excavation or demolition to prevent danger to life, health, or property shall:

(1) take all reasonable precautions to protect underground facilities in and near the excavation or demolition area; and

(2) immediately notify the one-call system serving the geographic area where the emergency excavation or demolition is performed to inform the appropriate owner-members of the excavation or demolition area.

### ***Locators to discuss this!***

*(3) Excavator shall be on site or in communication with the owner member or their representative.*

*(c) ~~[(3)]~~ an owner member shall respond to an emergency notice as soon as possible but no later than three hours from the transmission of the ticket from the One-Call center.*

*[[of notification the owner ~~for operator~~ member shall be on site ~~to begin marking or communicate to the excavator~~] that the owner ~~for operator~~ member has no underground facilities in the “Extent of Work” as described on the ticket. ~~for be on site to begin marking.~~] The owner ~~for operator~~ member shall respond to the Underground Facilities Information Exchange System as soon as the “Extent of Work” is marked or it is determined that no underground facilities are in the “Extent of Work”.]]*

(d) ~~[(e)]~~ Violations; penalties. -- A person that files an emergency ticket that does not meet the definition of emergency as defined in § 12-101 ~~[abuses the emergency excavation and demolition procedure set forth in this section is]~~ shall be subject to penalties under § 12-135 of this subtitle.

Notes: see §12-135

*Raise fine for abuse of Emergency Ticket to \$5000.00 for improperly calling in an emergency ticket-*

*The fine does not apply to owner member or representative responding to the emergency ticket.*