

New Jersey Statute

"Rented equipment operator" means a person that performs excavation or demolition using rented equipment.

"Responsible contractor" means a person that takes responsibility for ensuring that excavation or demolition that is performed by a rented equipment operator complies with this chapter.

§ 14:2-3.4 Responsible contractors

(a) If rented equipment, as defined at N.J.A.C. 14:2-1.2, will be used for an excavation or demolition, either the rented equipment operator or a responsible contractor shall notify the One-Call center in accordance with N.J.A.C. 14:2-3.1 and 3.2. The person who notifies the One-Call center shall be responsible and liable for ensuring that all excavation or demolition performed with rented equipment complies with this chapter.

(b) Each responsible contractor shall keep all logbooks and records required by this chapter for at least seven years, and shall make them available to the Board or Board staff upon request.

(c) A responsible contractor that notifies the One-Call center under N.J.A.C. 14:2-3.1 and 3.2 shall do all of the following:

1. Provide information as required by the One-Call center regarding all rented equipment that will be used in the excavation or demolition;
2. Wait the three business days required under N.J.A.C. 14:2-3.1 prior to performing any excavation or demolition on the site; and
3. Notify the One-Call center of each rented equipment operator that performs excavation or demolition on a site, specifying when the rented equipment operator begins working on the site; and
4. Notify the One-Call center when each rented equipment operator stops working on the site.

(d) At any time during the period that a One-Call notice is valid under N.J.A.C. 14:2-3.1(c), the

responsible contractor may add or remove one or more rented equipment operators to the site,

provided that the responsible contractor notifies the One-Call center before each rented equipment operator performs any excavation or demolition. No additional waiting period is

required for the addition of a rented equipment operator under this subsection.

(e) A rented equipment operator shall contact the One-Call center directly to verify that the

responsible contractor has notified the One-Call center of the rented equipment operator's

participation in the excavation or demolition on the site.

(f) A responsible contractor shall not permit a rented equipment operator to perform excavation

or demolition on a site unless the responsible contractor has notified the One-Call center that the

responsible contractor will be working on that particular site.

(g) If a responsible contractor utilizes a rented equipment operator to perform excavation or

demolition, the responsible contractor shall do all of the following:

1. Continuously visually monitor all hand digging and locating required under this chapter; and

2. Inspect the excavation or demolition performed by the rented equipment operator at least once

each day during which the rented operator is on the site.

(h) The responsible contractor shall maintain all of the following records at the site, available for

inspection by the Board or Board staff, throughout the duration of the excavation or demolition:

1. A log, updated daily, of the time and location of all hand-digging and locating performed by

the rented equipment operator; and

2. A list, updated daily, of all rented equipment operators performing excavation or demolition

on the site and the date and time the One-Call Center was notified of the rented equipment

operator's work on the site.