

54-8a-6 Duties and liabilities of an excavator.

- (1) Damage to an underground facility by an excavator who excavates but fails to comply with Section 54-8a-4, is prima facie evidence that the excavator is liable for any damage caused by the negligence of that excavator.
- (2)
 - (a) An excavator is not liable for a civil penalty under this chapter if the excavator has:
 - (i) given proper notice of the proposed excavation as required in this chapter;
 - (ii) marked the area of the proposed excavation as required in Section 54-8a-4;
 - (iii) complied with Section 54-8a-5.5; and
 - (iv) complied with Section 54-8a-7.
 - (b) An excavator is liable for damage incurred by an operator if:
 - (i) the operator complies with Section 54-8a-5; and
 - (ii) the damage occurs within 24 inches of the operator's markings or the physical presence of an above ground facility, including a manhole, meter, or junction box.

Amended by Chapter 426, 2011 General Session