

AN ACT concerning regulation.

**Be it enacted by the People of the State of Illinois,
represented in the General Assembly:**

Section 5. The Illinois Underground Utility Facilities Damage Prevention Act is amended by changing Sections 1, 2, 3, 4, 6, 7, 8, 9, 10, 11, 11.3, 11.5, 12, 13, and 14 and by adding Sections 4.1, 5.1, 5.2, 5.3, 5.4, and 7.5 as follows:

(220 ILCS 50/1) (from Ch. 111 2/3, par. 1601)

Sec. 1. This Act shall be known, and may be cited, as the Illinois Underground Utility Facilities Damage Prevention Act, and for the purposes of participating in the State of Illinois Joint Purchasing Program, the ~~State-Wide~~ One-Call Notice System, commonly referred to as "JULIE, Inc.", shall be considered as created by this Act.

(Source: P.A. 96-714, eff. 1-1-10.)

(220 ILCS 50/2) (from Ch. 111 2/3, par. 1602)

Sec. 2. Definitions. As used in this Act, unless the context clearly otherwise requires, the terms specified in this Section ~~Sections 2.1 through 2.11~~ have the meanings ascribed to them in this Section ~~in those Sections~~.

"Approximate location" means the location of the marked facility that lies entirely within the tolerance zone.

Circumstances that are "beyond the reasonable control" of a party include, but are not limited to, severe weather, unforeseen mechanical issues, or site conditions. As used in Section 11, "beyond the reasonable control" also includes, but is not limited to, notice volumes or dig site notification areas that exceed historical averages, as determined by the reasonable control measurement, created as a result of underground utility facility owners or operators or their contractors or subcontractors' non-emergency requests for utility excavation work for underground utility facility owners or operators, that is not part of a large project that has provided at least 60 days notice, and only applies to the requests submitted by underground utility facility owners or operators or their contractors or subcontractors' non-emergency utility excavation work for underground utility facility owners or operators.

"Damage" means the contact or dislocation of a facility during excavation or demolition that necessitates immediate or subsequent repair by the underground utility facility owner or operator due to any partial or complete destruction of the facility, including, but not limited to, the protective coating, tracer wire, lateral support, cathodic protection, or housing for the line or device of the facility.

"Damage notification" means a notification through JULIE to the underground utility facility owner or operator that damage to a facility has occurred in the area of the excavation

or demolition.

"Day" means any day, beginning at 12:00 a.m. and ending at 11:59 p.m. "Day" does not include holidays recognized by JULIE, Saturdays, Sundays, and the day of the actual notice.

"Demolition" means the wrecking, razing, rending, moving, or removing of a structure by means of any power tool, power equipment (exclusive of transportation equipment), or explosives.

"Emergency request" means a request involving a condition (1) that constitutes an imminent danger to life, health, or property or a utility service outage (2) and that requires repair or action before the expiration of 2 days.

"Excavation" means:

(1) any operation in which earth, rock, or other material in or on the ground is moved, removed, or otherwise displaced by means of any tools, power equipment or explosives, and includes, without limitation, grading, trenching, digging, ditching, drilling, augering, boring, tunneling, scraping, cable or pipe plowing, saw cutting or roadway surface milling when penetrating into the base or subbase of a paved surface, and driving, but does not include:

(A) farm tillage operations;

(B) railroad right-of-way maintenance;

(C) coal mining operations regulated under the federal Surface Mining Control and Reclamation Act of

1977 or any State law or rules or regulations adopted under the federal statute;

(D) land surveying operations as defined in the Illinois Professional Land Surveyor Act of 1989 when not using power equipment;

(E) roadway surface milling;

(F) manually inserting, without the use of power equipment, a temporary round-tipped ground or probe rod as part of facility locating;

(G) manually inserting, without the use of power equipment, a temporary round-tipped probe rod for bar holing to determine the area of a potential leak from a facility transporting hazardous gases or liquids; or

(H) manually inserting, without the use of power equipment, a round-tipped ground rod for the purpose of grounding utility equipment when an emergency exists and no other ground source is available.

(2) An exclusion to this Section in no way prohibits a request from being made for the marking of facilities.

(3) Any exception to excavation contained within this Section is not intended to remove liability that may be imposed against an individual or entity because of damage caused to a facility.

"Excavator" means any person or legal entity, public or private, that engages in excavation or demolition work.

"Exposed notification" means a notification through JULIE

to the underground utility facility owner or operator that an unmarked facility has been exposed in the area of the excavation or demolition but has not been damaged.

"Extension" means a request made by an excavator, to extend the expiration date of a normal notice to allow additional time to continue or complete the excavation or demolition project.

(1) An extension request may be made no earlier than the 20th day from the initial normal notice request or latest extension request.

(2) An extension request shall extend the expiration of the initial normal notice request or latest extension request by 25 days.

(3) An extension request may not be made simply to keep a prior notice open without continued excavation occurring within the period of that subsequent notice.

"Geographic information system data" means data to be applied to JULIE software to facilitate a more clearly defined notification area for notices sent to the system underground utility facility owners or operators. "Geographic information system data" includes, but is not limited to:

- (1) address points with site addresses;
- (2) parcels with site addresses;
- (3) road center lines with names and address range;
- (4) city limits with names;
- (5) political townships with names;

- (6) railroads with names;
- (7) streams with names; and
- (8) water bodies with names.

"Historical averages" are used to determine benchmark notice volumes or dig site notification areas for a particular place. The notice volume is calculated for new and updated requests requiring an underground utility facility owner or operator response. It shall not include notices with a header of noshow, incomplete, or noremark. The dig site notification area is calculated using the dig site polygon on the notice. The 7 day look back shall be calculated once daily at the conclusion of the previous calendar day. "Historic averages" shall be determined by comparing notice volumes or dig site notification areas over the immediate past 7 calendar days to the same 7 calendar day period for the past 5 years. A 5-year trimmed mean, removing the highest and lowest years, and averaging the remaining 3 years, shall be the final determinate of this measurement. The official measurement of the notice volumes or dig site notification areas shall be provided by JULIE.

"Incomplete request" means a notice initiated by an excavator through JULIE to the underground utility facility owners or operators notified in a prior request that such underground utility facility owners or operators, as identified by the excavator and confirmed, through the positive response system once implemented, in accordance with

subsection (a) of Section 5.1, did not completely mark the entire extent or the entire segment of the proposed excavation, as identified on the prior notice or as previously documented and mutually agreed upon.

"Joint meet notification" means a notice of a meeting held prior to the excavation phase to discuss projects that cannot be adequately communicated within a normal notice request. The meeting is intended to allow the exchange of maps, plans, or schedules. It is not a locating session and shall be held at or near the excavation site, or through electronic means, if available and agreed to by all parties. "Joint meet notification" are not to be used in lieu of valid normal notice requests and are required for, but not limited to, large projects.

"JULIE, Inc." or "JULIE" means the communication system known as "JULIE, Inc." or "JULIE", utilized by excavators, designers, or any other entities covered by this Act to notify underground utility facility owners or operators of their intent to perform excavation or demolition or similar work as defined by this Act and shall include all underground utility facilities owned or operated outside the city limits of the City of Chicago.

"Large project" means a single excavation that exceeds the expiration date of a normal notice request, or involves a series of repetitive, related-scope excavations.

"Normal notice request" means a notification made by an

excavator, through JULIE, in advance of a planned excavation or demolition.

(1) The notification shall be made at least 2 days, but no more than 10 days, before beginning the planned excavation or demolition.

(2) Excavation or demolition on a normal notice request is valid for 25 days from the date of the initial request unless a subsequent extension request is made.

(3) Normal notice requests shall be limited to one quarter of a contiguous mile within a municipality and one contiguous mile within any unincorporated area, which includes townships.

(4) Normal notice requests are valid for a single right-of-way with an exception for intersecting rights-of-way of 250 feet in all directions. Any excavation continuing beyond 250 feet on a connecting right-of-way shall require an additional request.

"No show request" means a notice initiated by an excavator through JULIE to the underground utility facility owners or operators notified in the prior notice that such underground utility facility owners or operators, as identified by the excavator and confirmed, once implemented, in accordance with subsection (a) of Section 5.1, either failed to mark their facilities or to communicate their non-involvement with the excavation prior to the dig start date and time on the notice.

"Notice" means any record transmitted to an underground

utility facility owner or operator of JULIE which shall include, but not be limited to, cancel, damage, emergency, exposed, extension, incomplete, joint meet, no show, normal, planning design, or re-mark.

"Open cut utility locate" means a method of locating facilities that requires excavation by the underground utility facility owner or operator, or their contractor or subcontractor.

"Place" means any incorporated city, village or town, or unincorporated township or road district, listed within the JULIE database.

"Planning design request" means the process prior to the excavation phase of a project where information is gathered and decisions are made regarding the route or location of a proposed excavation. The use of the information that is obtainable pursuant to this Section is intended to minimize delays of future construction projects and not for imminent excavation. The underground utility facility owner or operator may indicate any portion of the information that is proprietary and require the planner or designer to protect the proprietary information.

"Positive response system" means an automated system facilitated by JULIE allowing underground utility facility owners or operators to communicate to an excavator the presence, absence, or response status of any conflict between the existing facilities in or near the area of excavation or

demolition on each notice received.

"Pre-mark" means the use of white paint, chalk, lathe, whiskers, flags, or electronic white lining using lines or polygons to delineate the work area at the site of the proposed excavation or demolition. Unless otherwise stated on the request, all pre-marks are considered a request for a 5-foot radius of an above ground fixed structure or single point pre-mark, or a 10-foot-wide path for linear work.

(1) Physical pre-marking for the area of the planned excavation or demolition shall be accomplished prior to notifying JULIE if the area of excavation cannot be clearly and adequately identified in the normal notice request.

(2) Electronic white lining may be used when available. Electronic white lining provides an alternative method where an excavator may indicate their defined dig area visually by electronic data entry, including lines or polygons, without the need for a physical site visit. The technology allows the excavator to identify for the underground utility facility owner or operator a clear delineation of their proposed excavation area.

(3) A verbal or written pre-mark is adequate when the scope requested to be marked is narrow and explicit enough to prevent marking beyond the actual area of excavation or demolition. An existing above ground fixed structure may be referenced as a verbal or written pre-mark.

"Project owner" means the person or legal entity, public or private, that is financially responsible for the undertaking of a project that involves excavation or demolition.

"Reasonable control measurement" shall use the historical averages and add to the calculation either of the following conditions that shall be met for the place to be considered beyond the reasonable control of the underground utility facility owner or operator:

(1) the total notice volume count over the previous 7 calendar days shall increase by more than 15% of the historic average, and increase by not less than 25 additional notices over the previous 7 calendar days; or

(2) the total dig site notification area over the previous 7 calendar days shall increase by more than 15% of the historic average, and not less than 0.4 additional square miles over the previous 7 calendar days.

The official measurement shall be provided by JULIE.

"Residential property owner" means any individual or entity that owns or leases real property that is used by the individual or entity as its residence or dwelling. Residential property owner does not include any persons who own or lease residential property for the purpose of holding or developing such property or for any other business or commercial purposes.

"Roadway surface milling" means the removal of a uniform

pavement section by rotomilling, grinding, saw cutting, or other means that does not penetrate into the roadway base or subbase.

"Service lateral" means underground facilities located in a public right-of-way or utility easement that connects an end user's building or property to an underground utility facility owner's or operator's facility.

"Submerged" means any facility installed below the surface of a lake, river, or navigable waterway.

"Tolerance zone" means:

(1) if the diameter of the underground utility facility is indicated, the distance of one-half of the known diameter plus one and one-half feet on either side of the designated center line of the underground utility facility marking;

(2) if the diameter of the underground utility facility is not indicated, one and one-half feet on either side of the outside edge of the underground utility facility marking; or

(3) if submerged, a distance of 30 feet on either side of the indicated facility.

The underground utility facility markings provided shall not indicate that the width of the marked underground utility facility is any greater than the actual width of the underground utility facility or 2 inches, whichever is greater. The tolerance zone shall

also apply to visible utility structures, including, but not limited to, poles with overhead to underground transitions, pedestals, transformers, meters, hydrants, and valve boxes. There shall be a one and one-half foot tolerance zone horizontally around such facilities.

"Underground utility facility" or "facility" means and includes wires, ducts, fiber optic cable, conduits, pipes, sewers, and cables and their connected appurtenances installed or existing beneath the surface of the ground or submerged and either owned, operated, or controlled by:

(1) a public utility as defined in the Public Utilities Act;

(2) a municipally owned or mutually owned utility providing a similar utility service;

(3) a pipeline entity transporting gases, crude oil, petroleum products, or other hydrocarbon materials within the State;

(4) a telecommunications carrier as defined in the Universal Telephone Service Protection Law of 1985, or by a company described in Section 1 of the Telephone Company Act;

(5) a community antenna television system, as defined in the Illinois Municipal Code or the Counties Code;

(6) a holder or broadband service, as those terms are defined in the Cable and Video Competition Law of 2007;

(7) any other entity owning or operating underground

facilities that transport or generate electrical power to other utility owners or operators;

(8) an electric cooperative as defined in the Public Utilities Act; and

(9) any other active member of JULIE.

(Source: P.A. 94-623, eff. 8-18-05.)

(220 ILCS 50/3) (from Ch. 111 2/3, par. 1603)

Sec. 3. JULIE Membership. The owners or operators of underground utility facilities are required to be members of JULIE. JULIE shall require that all facility information needed to operate JULIE within each underground utility facility owner's or operator's domain be identified and provided by the underground utility facility owner or operator to JULIE ~~or CATS facilities that are not currently participants in the State Wide One Call Notice System shall, within 6 months of the effective date of this Act, join the State Wide One Call Notice System. This Section shall not apply to utilities operating facilities or CATS facilities exclusively within the boundaries of a municipality with a population of at least one million persons.~~

(Source: P.A. 86-674.)

(220 ILCS 50/4) (from Ch. 111 2/3, par. 1604)

Sec. 4. Required activities. Every excavator ~~person~~ who engages in nonemergency excavation or demolition shall:

(a) take reasonable action to inform the excavator ~~himself~~ of the location of any ~~underground utility~~ facilities in and near the area for which such operation is to be conducted;

(b) plan the excavation or demolition to avoid or minimize interference with ~~underground utility~~ facilities within the tolerance zone by utilizing such precautions that include, but are not limited to, hand or excavation, vacuum excavation methods to the depth of the proposed excavation or demolition, and visually inspecting the excavation while in progress until clear of the approximate location of the existing marked facility;

(c) pre-mark the area of excavation ~~if practical, use white paint, flags, stakes, or both, to outline the dig site;~~

(d) provide notice not less than 2 days ~~48 hours~~ but no more than 10 ~~14 calendar~~ days in advance of the start of the excavation or demolition to the owners or operators of the underground utility facilities at or in ~~and~~ near the excavation or demolition area through JULIE ~~the State-Wide One-Call Notice System or, in the case of nonemergency excavation or demolition within the boundaries of a municipality of at least one million persons which operates its own one-call notice system, through the one-call notice system which operates in that municipality.~~

At a minimum, the notice required under this subsection (d) shall provide:

(1) the excavator's ~~person's~~ name, address, phone number at which the excavator ~~a person~~ can be reached, and ~~fax number~~, if available, a fax number and email address;

(2) the start date and time of the planned excavation or demolition;

(3) the county and place or places ~~all counties, cities, or townships, or any combination thereof~~, where the proposed excavation shall take place;

(4) the address or location at which the excavation or demolition shall take place;

(5) the type of work, ~~and~~ extent, and description of the area where the excavation or demolition is to occur ~~of the work involved~~; and

(6) the section or quarter sections when the information in items (1) through (5) of this subsection (d) does not allow JULIE ~~the State Wide One-Call Notice System~~ to determine the appropriate excavation or demolition site. This item (6) does not apply to residential property owners;

(7) an indication of whether directional boring or horizontal directional drilling will be used;

(8) an indication of whether the excavation will exceed 7 feet in depth;

(9) an indication of how the proposed excavation or demolition has been pre-marked;

(10) the identity of the project owner; and

(11) the latitude and longitude of the relevant area, if available.

The information specified in items (1) through (10) is still required when providing latitude and longitude;

(e) provide, during and following excavation or demolition, such support for existing ~~underground utility~~ facilities in and near the excavation or demolition area as may be reasonably necessary for the protection of such facilities and known service laterals unless otherwise agreed to by the owner or operator of the underground facility or owners of any known service laterals;

(f) backfill all excavations in such manner and with such materials as may be reasonably necessary for the protection of existing ~~underground utility~~ facilities in and near the excavation or demolition area;

(g) ~~after February 29, 2004,~~ when the excavation or demolition project will extend past ~~28 calendar days from~~ the 25-day expiration date of the original notice provided under clause (d) or a subsequent extension notice, if marks are requested, the excavator shall pre-mark prior to requesting any subsequent extension notice, ~~the excavator shall provide a subsequent notice to the owners or operators of the underground utility facilities in and~~

~~near the excavation or demolition area through the State Wide One Call Notice System or, in the case of excavation or demolition within the boundaries of a municipality having a population of at least 1,000,000 inhabitants that operates its own one call notice system, through the one call notice system that operates in that municipality informing utility owners and operators that additional time to complete the excavation or demolition project will be required. The notice will provide the excavator with an additional 28 calendar days from the date of the subsequent notification to continue or complete the excavation or demolition project;~~

(h) exercise due care at all times to protect ~~underground utility~~ facilities and known service laterals. If, after proper notification through JULIE ~~the State Wide One Call Notice System~~ and upon arrival at the site of the proposed excavation, the excavator observes clear evidence of the presence of an unmarked or incompletely marked facility ~~utility~~ in the area of the proposed excavation, the excavator shall provide subsequent notice through JULIE of the unmarked or incompletely marked area and shall not begin excavating until all affected facilities have been marked or 2 hours, whichever is shorter, unless a greater time is provided by the excavator through JULIE ~~after an additional call is made to the State Wide One Call Notice System for the area. The underground~~

utility facility owner or operator of the facility utility shall respond within 2 hours unless a greater time is provided by the excavator through JULIE ~~of the excavator's call to the State Wide One Call Notice System; and~~

(i) when factors, including, but not limited to, weather, construction activity, or vandalism, at the excavation site have caused the facility utility markings to become faded or indistinguishable, the excavator shall pre-mark again and provide a re-mark request ~~an additional notice through JULIE the State Wide One Call Notice System~~ requesting that only the affected areas where excavation or demolition is to continue be re-marked. Underground utility facility Facility owners or operators must respond to the notice to re-mark by the dig start date and time on the notice; and ~~according to the requirements of Section 10 of this Act.~~

(j) for informational and planning purposes only, prior notice of large projects may be provided to underground utility facility owners or operators through JULIE greater than 10 days in advance of the large project commencing.

Nothing in this Section prohibits the use of any method of excavation if conducted in a manner that would avoid interference with ~~underground utility~~ facilities.

(Source: P.A. 96-714, eff. 1-1-10.)

(220 ILCS 50/4.1 new)

Sec. 4.1. Watch and protect.

(a) If, upon notice from JULIE, an underground utility facility owner or operator determines that the facility is within the proposed excavation area and the underground utility facility owner or operator desires to have an authorized representative present during excavation near the facility, the underground utility facility owner or operator shall contact the excavator prior to the dig start date and time provided on the notice to schedule a date and time for the underground utility facility owner or operator to be present when excavation will occur near the facility.

(b) All excavators shall comply with the underground utility facility owner's or operator's request to be present during excavation near a owner or operator's facilities. In lieu of having an authorized representative present, the underground utility facility owner or operator may choose to perform an open cut utility locate of the facility to expose its location. The underground utility facility owner or operator shall comply with the excavator's schedule for when excavation will occur near the facility.

(c) After excavation has started, if excavation near the underground utility facilities stops by more than one day and then recommences, the excavator shall establish direct contact with the underground utility facility owner or operator not less than one day prior to the excavation, each time the

excavation is to occur, to advise the underground utility facility owner or operator of the excavation taking place.

(d) Nothing in this Section shall prohibit an excavator from excavating prudently and carefully near the underground utility facility without the underground utility facility owner or operator present if the underground utility facility owner or operator waives the request to be present or to complete an open cut utility locate exposing the facility or is unable to comply with the excavator's schedule.

(220 ILCS 50/5.1 new)

Sec. 5.1. Positive response system.

(a) Beginning January 1, 2026, an excavator shall confirm through the positive response system prior to excavation or demolition that all underground utility facility owners or operators that are identified on the notice have provided a status update, responded, or marked or provided an all-clear notification.

(b) Beginning January 1, 2026, an underground utility facility owner or operator shall respond through the positive response system by the dig start date and time on the notice with an appropriate and accurate system code. A minimal delay not to exceed one hour or when the marking of the facilities is complete, whichever is longer, in reporting a system code in response to an emergency request shall not be a violation of this Section.

(c) If an underground utility facility owner or operator fails to respond or provide a status update through the positive response system by the dig start date and time on the notice, or a later time as otherwise agreed upon and submitted through the positive response system, JULIE shall transmit an additional notification to that underground utility facility owner or operator and shall continue to send out daily notifications until the positive response system receives a response confirming compliance with this Section.

(d) If an underground utility facility owner or operator fails to respond or provide a status update to the positive response system, the excavator may proceed after providing a no show or incomplete request through JULIE. The notified underground utility facility owners or operators shall respond by the dig start date and time on the notice.

(e) If all notified underground utility facility owners or operators have responded as "marked" or "clear" prior to the expiration of the dig start date and time on the notice, the wait time shall be considered expired and no additional wait time is required prior to commencing with the excavation or demolition work listed on the notice.

(220 ILCS 50/5.2 new)

Sec. 5.2. Planning design request.

(a) An underground utility facility owner or operator shall have the following responsibilities:

(1) respond to a valid planning design request within 10 days after receiving the request or by such other date as shall be mutually agreed upon between the underground utility facility owner or operator and the designer or planner. The underground utility facility owner or operator shall provide information regarding the location, size, if greater than 1.5 inches in diameter, which shall be generically listed as communication, electric, gas, water, sewer, streetlight, or traffic control and if direct buried or in conduit or a duct package, of facilities based on the best information available to the underground utility facility owner or operator within the scope of the proposed project;

(2) respond to a planning design request in one of the following methods:

(A) provide the most current digital, KMZ file or shapefile, or paper drawings or prints, that are drawn to scale, when available, and include visible utility structures, including measurements from back of curb, sidewalk, edge of pavement, centerline of ditch, property lines, and other similar items;

(B) request the proposed plans or drawings from the designer or planner and illustrate the location of the underground utility facility owner's or operator's facilities, drawn to scale, and, if available, provide the type and size, as described in paragraph (1), of

the facilities, including visible structures on the plans;

(C) locate and mark the underground utility facility owner's or operator's facilities within the scope of the proposed project, as agreed to with the planner or designer;

(D) if the responding underground utility facility owner or operator is unable to comply with paragraph (A) or (B), then the underground utility facility owner or operator shall mark the facilities within the scope of the proposed project, as agreed to with the planner or designer; or

(E) if marking of infrastructure is the preferred or required response of the underground utility facility owner or operator, the underground utility facility owner or operator need only mark main line facilities or any service lines that would otherwise be considered main line due to size or type, as described in paragraph (1); and

(3) may charge a nominal fee to locate and mark the proposed project, as described in subparagraph (C) or (D) of paragraph (2).

(b) The planner or designer shall have the following responsibilities:

(1) follow the guidelines set forth in CI/ASCE 38-02 Standard Guidelines for the Collection and Depiction of

Existing Subsurface Utility Data, as from time to time amended, when preparing plans or drawings;

(2) illustrate on all appropriate documents the position, size, and type, as described in paragraph (1) of subsection (a), of all known facilities obtained in the planning design request process and include the valid planning design request number provided by JULIE on any plans or drawings; and

(3) make all reasonable efforts to prepare the plans or drawings to minimize interference with known existing and proposed facilities in the proposed project area.

(c) A planning design request shall include the following information:

(1) name, address, telephone number, office and cell phone, and, if available, email address of the designated contact requesting the information;

(2) name, address, telephone number, office and cell phone, and, if available, email address of the project owner;

(3) the approximate date when the facility information is required; and

(4) the specific area requiring facility information by one or more of the following means:

(A) the county and place or places involved in the proposed project;

(B) street names involved in the proposed project

or the north, south, east, and west boundaries of the proposed project or the section number or numbers involved in the proposed project;

(C) latitude and longitude coordinates of the outside edges of the proposed project;

(D) digital data such as, but not limited to, shapefiles when technology and software allow; and

(E) the type of work projected to take place within the proposed project.

Any known site-specific facility information shall be made available to the project owner to be delivered to qualified bidders of the proposed project.

(220 ILCS 50/5.3 new)

Sec. 5.3. Joint meet notification.

(a) A joint meet notification shall include the following information:

(1) the excavator's name, address, phone number at which the excavator can be reached, and, if available, a fax number and email address;

(2) the county and place or places where the work will be performed;

(3) street names involved in the project or the north, south, east, and west boundaries of the project or the section number or numbers involved in the project;

(4) the date, time, and location where the joint meet

will take place, which shall be near the project site; and

(5) a minimum advance notice of the joint meet of 2 days, but no more than 60 days prior to the planned start of excavation or demolition.

(b) Upon the receipt of a joint meet notification, an underground utility facility owner or operator shall attend the joint meet, either in-person or remotely, at the specified time and location. If there is a conflict between joint meet notifications, an excavator that provided a joint meet notification may receive a communication from an underground utility facility owner or operator requesting an alternate meeting time or date.

(c) When a joint meet notification occurs as part of a large project, the excavator shall notify the project owner and the designer or planner when and where the joint meet is to occur.

(d) Multiple joint meets shall be required in the case of a large project that extends into multiple places. The excavator shall schedule, at a minimum, one joint meet per place to accommodate travel restrictions of responding underground utility facility owners or operators. A single electronic meeting covering multiple places is also acceptable.

(e) Prior to the meeting, the excavator shall physically or electronically pre-mark the extent of the initial request for the proposed excavation area or route if normal notice requests are planned to be submitted with excavation beginning

after the minimum advance notice of 2 days after the joint meet. The minimum advance notice for a large project is 5 days.

(f) The individuals participating in the joint meet shall agree to their individual obligations consistent with the project. The underground utility facility owner or operator, along with the excavator involved, shall work in a cooperative manner to negotiate in good faith. These obligations may vary from project to project. The individuals participating at the joint meet shall have the flexibility to make decisions consistent with the project's parameters. The individuals participating in the joint meet are not required to set specific standards for all projects.

(g) The scope of the project shall be defined at the joint meet and specific project details, including, but not limited to, the number of phases, and the number of excavation crews working for the contractor or subcontractors, to the extent that the information can be determined.

(h) The size and number of normal notice requests agreed to be submitted at one time at the joint meet shall be documented by the excavator in the meeting notes and made available to those participating in the joint meet. Any mutually agreed upon initial or amended meeting notes shall, at a minimum, include: (1) the date and time of the interaction; (2) all names of the individuals involved, and (3) an acknowledgment by the individuals that agreed to the meeting notes. Meeting notes shall be retained by the

excavator through JULIE, Inc., for at least 5 years after the date of the joint meet.

(i) If an underground utility facility owner or operator fails to attend the joint meet and does not request an alternate time or date to meet prior to commencement of excavation, the excavator may proceed according to the agreement reached with those attending the meeting.

(j) Within 60 days after the joint meet, the excavator shall submit the normal notice requests consistent with the agreements reached at the joint meet.

(k) The initial normal notice requests submitted after the joint meet shall require a minimum of 2 days advance notice and 5 days advance notice for large projects. All remaining normal notice requests shall be submitted in agreement with the joint meet schedule and provide a minimum advance notice of 2 days. The excavator shall not submit normal notice requests until after the joint meet.

(l) If the project start is delayed more than 60 days, or the scope of the project changes after the joint meet has been held and the locate schedule agreed to, a new joint meet notification shall be required.

(m) If an excavator creates multiple normal notice requests for a single project without a joint meet being held, an affected underground utility facility owner or operator may contact the excavator and recommend the excavator follow the joint meet process to assist in working out a locate schedule.

A notified excavator that fails to follow the joint meet process may realize delays in marking of facilities on their project. In accordance with subsection (e) of Section 10, a delay in marking is not necessarily deemed a violation of this Act.

(220 ILCS 50/5.4 new)

Sec. 5.4. Geographic information system data. Geographic information system data shall be provided to JULIE by any county or State agency that has provided substantially similar data to any other not-for-profit or State agency utilizing such data for public display of information or to be utilized by a not-for-profit or agency in the interest of public safety. This data shall be provided to JULIE at a cost not to exceed the actual cost of transmission of the data.

(220 ILCS 50/6) (from Ch. 111 2/3, par. 1606)

Sec. 6. Emergency excavation or demolition.

(a) Every excavator ~~person~~ who engages in emergency excavation or demolition ~~outside of the boundaries of a municipality of at least one million persons which operates its own one call notice system~~ shall take all reasonable precautions to avoid or minimize interference between the emergency work and existing ~~underground utility~~ facilities in and near the excavation or demolition area, ~~through the State Wide One Call Notice System,~~ and shall notify, as far in

advance as possible, the underground utility facility owners or operators ~~of such underground utility facilities~~ in and near the emergency excavation or demolition area, through JULIE ~~the State Wide One Call Notice System~~. At a minimum, the notice required under this subsection (a) shall provide:

(1) the excavator's ~~person's~~ name, address, and ~~(i)~~ phone number at which the excavator with knowledge of the emergency excavation or demolition ~~a person~~ can be reached and ~~(ii) fax number, if available,~~ a fax number and email address;

(2) the start date and time of the ~~planned~~ emergency excavation or demolition;

(3) the address or location at which the emergency excavation or demolition will take place; ~~and~~

(4) the type of work, extent, and description of the area where the emergency excavation or demolition is to occur; and

(5) the county and place or places where the emergency excavation or demolition will take place ~~and extent of the work involved.~~

(b) There is a minimum wait time of 2 hours ~~or the date and time requested on the notice, whichever is longer,~~ after an emergency ~~locate notification~~ request is made through JULIE ~~the State Wide One Call Notice System~~. If the conditions at the site dictate an earlier start than the date and time on the notice ~~required wait time,~~ it is the responsibility of the

excavator to demonstrate that site conditions warranted this earlier start time.

(c) Upon notice by the excavator ~~person~~ engaged in emergency excavation or demolition, the underground utility facility owner or operator ~~owner or operator of an underground utility facility~~ in or near the excavation or demolition area shall communicate with the excavator ~~person~~ engaged in emergency excavation or demolition within 2 hours or by the date and time requested on the notice, whichever is longer by:

(1) marking the approximate location of ~~underground~~ facilities;

(2) advising the excavator ~~person excavating~~ that their ~~underground~~ facilities are not in conflict with the emergency excavation or demolition; or

(3) notifying the excavator ~~person excavating~~ that the underground utility facility owner or operator shall be delayed in marking because of conditions as referenced in subsection (g) of Section 11 of this Act.

(d) The notice by the underground utility facility owner or operator to the excavator shall be provided utilizing the positive response system, in accordance with Section 5.1, and prior to January 1, 2026 may also ~~person engaged in emergency excavation or demolition may~~ be provided by phone or phone message or by marking the excavation or demolition area. The underground utility facility owner or operator has discharged the underground utility facility owner's or operator's

obligation to provide notice under this Section if the underground utility facility owner or operator attempts to provide notice by positive response or by telephone but is unable to do so because the excavator ~~person engaged in the emergency excavation or demolition~~ does not answer the ~~his or her~~ telephone or does not have an answering machine, ~~or~~ answering service, or voicemail to receive the telephone call or positive response, in accordance with Section 5.1. If the underground utility facility owner or operator attempts to provide additional notice by telephone ~~or by facsimile~~ but receives a busy signal, that attempt shall not discharge the underground utility facility owner or operator from the obligation to provide notice under this Section.

~~(b) Every person who engages in emergency excavation or demolition within the boundaries of a municipality of at least one million persons which operates its own one call notice system shall take all reasonable precautions to avoid or minimize interference between the emergency work and existing underground utility facilities in and near the excavation or demolition area, through the municipality's one call notice system, and shall notify, as far in advance as possible, the owners and operators of underground utility facilities in and near the emergency excavation or demolition area, through the municipality's one call notice system.~~

(e) ~~(e)~~ The reinstallation of traffic control devices shall be deemed an emergency for purposes of this Section.

(f) ~~(d)~~ An open cut utility locate shall be deemed an emergency for purposes of this Section.

(g) During an emergency situation, where the underground utility facility owner or operator has a widespread emergency situation beyond the equipment or personnel capabilities to facilitate a timely repair or correction of the emergency, the underground utility facility owner or operator may utilize subcontractors to facilitate the work without a separate emergency notice by the subcontractor. The underground utility facility owner or operator shall be responsible for the actions of the subcontractor, unless the subcontractor has obtained the subcontractor's own emergency notice.

(h) Emergency notices provided through JULIE shall expire 10 days after the date of the notice.

(Source: P.A. 96-714, eff. 1-1-10.)

(220 ILCS 50/7) (from Ch. 111 2/3, par. 1607)

Sec. 7. Damage or dislocation.

(a) In the event of any damage to or dislocation of any ~~underground utility~~ facilities in connection with any excavation or demolition, emergency or nonemergency, the excavator ~~person~~ responsible for the excavation or demolition operations shall immediately notify the affected underground utility facility owner or operator and JULIE ~~utility and the State Wide One Call Notice System~~ and cease excavation in the area of the damage when the damaged facility is a threat to

~~life or property or if otherwise required by law or, in the case of damage or dislocation in connection with any excavation or demolition within the boundaries of a municipality having a population of at least 1,000,000 inhabitants that operates its own one call notice system, notify the affected utility and the one call notice system that operates in that municipality.~~

(b) The excavator ~~person~~ responsible for the excavation or demolition shall not attempt to repair, clamp, or constrict the damaged ~~utility~~ facility unless under the direct supervision or advisement of the underground utility facility owner or operator. At no time shall an excavator ~~a person~~ under this Act be required by an underground ~~a~~ utility facility owner or operator to attempt to repair, clamp, or constrict a damaged ~~utility~~ facility. In the event of any damage to any ~~underground utility~~ facility that results in the escape of any flammable, toxic, or corrosive gas or liquid, the excavator ~~person~~ responsible for the excavation or demolition shall call 9-1-1 and notify authorities of the damage.

(c) Underground utility facility owners ~~Owners~~ and ~~operator~~ ~~of underground utility facilities~~ that are damaged, and the excavator involved, shall work in a cooperative and expeditious manner to repair the affected facility ~~utility~~.

(d) The underground utility facility owner or operator shall provide to JULIE a phone number with a dedicated extension, if applicable, that can be provided to the

excavator allowing immediate notification by the excavator to the underground utility facility owner or operator of the potential damage.

(e) At a minimum, the notice required under this Section shall provide:

(1) a reference to the original excavation or demolition notice, if one exists;

(2) the type of facility damaged, if known;

(3) the name of the affected underground utility facility owner or operator, if known; and

(4) the location of the damaged facility at the excavation or demolition site.

(Source: P.A. 96-714, eff. 1-1-10.)

(220 ILCS 50/7.5 new)

Sec. 7.5. Exposed facility.

(a) If any previously unmarked facility is exposed during excavation or demolition, emergency or nonemergency, the excavator responsible for the excavation or demolition operations shall immediately notify JULIE.

(b) At a minimum, the notice required under this Section shall provide:

(1) a reference to the original excavation or demolition notice, if one exists;

(2) the type of exposed facility, if known;

(3) the name of the affected underground utility

facility owner or operator, if known; and

(4) the location of the exposed facility at the excavation or demolition site.

(220 ILCS 50/8) (from Ch. 111 2/3, par. 1608)

Sec. 8. Liability or financial responsibility.

(a) Nothing in this Act shall be deemed to affect or determine the financial responsibility for any operation under this Act or liability of any entity or individual ~~person~~ for any damages that occur unless specifically stated otherwise.

(b) Nothing in this Act shall be deemed to provide for liability or financial responsibility of the Department of Transportation, its officers and employees concerning any ~~underground utility facility or CATS~~ facility located on highway right-of-way by permit issued under the provisions of Section 9-113 of the Illinois Highway Code. It is not the intent of this Act to change any remedies in law regarding the duty of providing lateral support.

(c) Neither JULIE ~~the State Wide One Call Notice System~~ nor any of its officers, agents, or employees shall be liable for damages for injuries or death to persons or damage to property caused by acts or omissions in the receipt, recording, or transmission of notices ~~locate requests~~ or other information in the performance of its duties as JULIE ~~the State Wide One Call Notice System~~, unless the act or omission was the result of willful and wanton misconduct.

(d) Any residential property owner who fails to comply with any provision of this Act and damages ~~underground utility facilities or CATS~~ facilities while engaging in excavation or demolition on such residential property shall not be subject to a penalty under this Act, but shall be liable for the damage caused to the underground utility facility owners or operators ~~owner or operator of the damaged underground utility facilities or CATS facilities.~~

(Source: P.A. 92-179, eff. 7-1-02.)

(220 ILCS 50/9) (from Ch. 111 2/3, par. 1609)

Sec. 9. Negligence.

(a) When it is shown by competent evidence in any action for damages to ~~underground utility facilities or CATS~~ facilities that such damages resulted from excavation or demolition and that the excavator ~~person~~ engaged in such excavation or demolition failed to comply with the provisions of this Act, that excavator ~~person~~ shall be deemed prima facie guilty of negligence.

(b) When it is shown by competent evidence in any action for damages to excavators ~~persons~~, material, or equipment brought by excavators ~~persons~~ undertaking excavation or demolition acting in compliance with the provisions of this Act that such damages resulted from the failure of underground utility facility owners or ~~and operators of underground facilities or CATS facilities~~ to comply with the provisions of

this Act, those underground utility facility owners or ~~and~~ operators shall be deemed prima facie guilty of negligence.

(Source: P.A. 86-674.)

(220 ILCS 50/10) (from Ch. 111 2/3, par. 1610)

Sec. 10. Record of notice; marking of facilities.

(a) Upon notice by the excavator ~~person engaged in excavation or demolition,~~ the underground utility facility owners or operators ~~person owning or operating underground utility facilities~~ in or near the excavation or demolition area shall cause a ~~written~~ record to be made of the notice and shall mark, ~~within 48 hours of receipt of notice or~~ by the dig start ~~requested~~ date and time indicated on the notice, ~~whichever is later,~~ the approximate locations of such facilities so as to enable the excavator ~~person excavating or demolishing~~ to establish the location of the ~~underground utility~~ facilities.

For submerged facilities, when the owner or operator of the submerged facilities determines that a proposed excavation or demolition which could include anchoring, pile driving, dredging, or any other water bottom contact for any means performed is in proximity to or in conflict with, submerged facilities located under a lake, river, or navigable waterway, the owner or operator of the submerged facilities shall identify the estimated horizontal route of the submerged facilities, within 15 days or by a date and time mutually

agreed to, using marking buoys, other suitable devices, or GPS location data unless directed otherwise by an agency having jurisdiction over the waters under which the submerged facilities are located.

(b) Underground utility facility owners or ~~Owners and operators of underground sewer facilities that are located outside the boundaries of a municipality having a population of at least 1,000,000 inhabitants~~ shall be required to respond and mark the approximate location of those sewer facilities when the excavator indicates, in the notice required in Section 4, that the excavation or demolition project will exceed a depth of 7 feet. "Depth", in this case, is defined as the distance measured vertically from the surface of the ground to the top of the sewer facility.

(c) Underground utility facility owners or operators of ~~Owners and operators of underground sewer facilities that are located outside the boundaries of a municipality having a population of at least 1,000,000 inhabitants~~ shall be required at all times to mark ~~locate~~ the approximate location of those sewer facilities when:

(1) directional boring is the indicated type of excavation work being performed within the notice;

(2) the ~~underground~~ sewer facilities owned are non-gravity, pressurized force mains; or

(3) the excavation indicated will occur in the immediate proximity of known ~~underground~~ sewer facilities

that are less than 7 feet deep.

(d) Underground utility facility owners ~~Owners~~ or operators of ~~underground~~ sewer facilities ~~that are located outside the boundaries of a municipality having a population of at least 1,000,000 inhabitants~~ shall not hold an excavator liable for damages that occur to sewer facilities that were not required to be marked under this Section, provided that prompt notice of known ~~the~~ damage is made to JULIE ~~the State Wide One Call Notice System~~ and the underground utility facility owners or operators ~~utility owner~~ as required in Section 7.

(e) All entities ~~persons~~ subject to the requirements of this Act shall plan and conduct their work consistent with reasonable business practices.

(1) Conditions may exist making it unreasonable to request that locations be marked by the dig start ~~within 48 hours or by the requested~~ date and time indicated on the notice, ~~whichever is later.~~

(A) In such situations, the excavator and the underground utility facility owner or operator shall interact in good faith to establish a mutually agreeable date and time for the completion of the request.

(B) All mutually agreed upon modifications to the dig start date and time shall be fully documented by the underground utility facility owner or operator and

include, at a minimum, the date and time of the interaction, the names of the individuals involved, and acknowledgment by the individuals that agreed to the modification and the new dig start date and time that was mutually agreed upon by both parties. The underground utility facility owner or operator shall retain through JULIE, Inc., the documentation for at least 5 years after the date of the expiration of the notice.

(2) It is unreasonable to request underground utility facility owners or ~~and operators of underground utility facilities~~ to mark locate all of their facilities in an affected area upon short notice in advance of a large ~~or~~ extensive nonemergency project. ~~or~~

(3) It is unreasonable to request extensive notices ~~locates~~ in excess of a reasonable excavation or demolition work schedule. ~~or~~

(4) It is unreasonable to request notices ~~locates~~ under conditions where a repeat request is likely to be made because of the passage of time or adverse job conditions.

(5) During periods where the notice volumes or dig site notification areas exceed the historical averages as determined by the reasonable control measurements for the place, only those additional non-emergency requests that are not part of a large project, when that large project

has been submitted at least 60 days in advance of the start of the large project by underground utility facility owners or operators or their contractors or subcontractors for excavation work for the underground utility facility owners or operators within the place, may be subject to a request from the underground utility facility owner or operator or the owner or operator's locate contractors or subcontractors for an additional wait time of up to 2 days for the underground utility facility owner or operator, whether utilizing in-house or contract locators, to respond to locate and mark, or provide a no conflict response. It is the responsibility of the requesting underground utility facility owner or operator to document any modification as outlined in paragraph (1) of subsection (e) of Section 10.

(f) Underground utility facility owners or ~~Owners and~~ operators, whether utilizing in-house or contract locators, and the owner or operator's locate contractors or subcontractors of ~~underground utility facilities~~ must reasonably anticipate seasonal fluctuations in the number of notices ~~locate requests~~ and staff accordingly.

Seasonal fluctuations shall not be considered within the reasonable control of underground utility facility owners or operators and the owner or operator's locate contractors or subcontractors within a place or places, when the notice volumes exceed the historical averages as determined by the

reasonable control measurement, for non-emergency requests for utility excavation work for underground utility facility owners or operators, that is not part of a large project that has provided at least a 60 day advance notice.

Only utility excavators when doing utility work may be impacted by this subsection and may incur an additional wait time of up to 2 days.

(g) If an underground utility facility owner or operator ~~a person owning or operating underground utility facilities~~ receives a notice under this Section but does not own or operate any ~~underground utility~~ facilities within the proposed excavation or demolition area described in the notice, that underground utility facility owner or operator, by the dig start date and time on the notice ~~person, within 48 hours or by the requested date and time indicated on the notice, whichever is later, after receipt of the notice,~~ shall so notify the excavator who initiated the notice in accordance with Section 5.1, and prior to January 1, 2026, may ~~person engaged in excavation or demolition who initiated the notice, unless the person who initiated the notice expressly waives the right to be notified that no facilities are located within the excavation or demolition area. The notification by the owner or operator of underground utility facilities to the person engaged in excavation or demolition may~~ be provided in any reasonable manner including, but not limited to, notification in any one of the following ways:

(1) by face-to-face communication;

(2) by phone or phone message;

(3) by facsimile or email;

(4) by posting in the excavation or demolition area;

or

(5) by marking the excavation or demolition area.

(h) The underground utility facility owner or operator ~~of those facilities~~ has discharged the underground utility facility owner's or operator's obligation to provide notice under this Section if the underground utility facility owner or operator attempts to provide notice utilizing the positive response system, in accordance with Section 5.1, and prior to January 1, 2026, by:

(1) telephone ~~or by facsimile, if the person has supplied a facsimile number, but is unable to do so because the excavator person engaged in the excavation or demolition does not answer the his or her telephone and or does not have the ability to receive telephone messages;~~

(2) facsimile, if the excavator has supplied a facsimile number and does not have a facsimile machine in operation to receive the facsimile transmission; or

(3) email, if the excavator has supplied an email address and the message is electronically undeliverable an answering machine or answering service to receive the telephone call or does not have a facsimile machine in operation to receive the facsimile transmission.

If the underground utility facility owner or operator attempts to provide additional notice by telephone or by facsimile but receives a busy signal, that attempt shall not serve to discharge the underground utility facility owner or operator of the obligation to provide notice under this Section.

(i) Any excavator or legal entity, public or private, who, on or after January 1, 2026, installs a nonconductive service lateral shall ensure that the installation is locatable by electromagnetic means or other equally effective means for marking the location of the service lateral. This subsection does not apply to minor repairs to, or partial replacements of, service laterals installed prior to January 1, 2026.

~~A person engaged in excavation or demolition may expressly waive the right to notification from the owner or operator of underground utility facilities that the owner or operator has no facilities located in the proposed excavation or demolition area. Waiver of notice is only permissible in the case of regular or nonemergency locate requests. The waiver must be made at the time of the notice to the State Wide One Call Notice System. A waiver made under this Section is not admissible as evidence in any criminal or civil action that may arise out of, or is in any way related to, the excavation or demolition that is the subject of the waiver.~~

(j) For the purposes of this Act, the following color coding shall be used to mark the approximate location of

facilities by the underground utility facility owners or operators who ~~underground facility operators~~ may utilize a combination of flags, lathe with colored ribbon, chalk, whiskers, or stakes, and paint as ~~when possible on non-paved surfaces and when~~ dig site and seasonal conditions warrant. ~~If the approximate location of an underground utility facility is marked with stakes or other physical means, the following color coding shall be employed:~~

<u>Underground Facility type</u>	Identification Color
----------------------------------	----------------------

Underground utility facility owner or operator or contract locator use only
~~Facility Owner or Agent Use Only~~

Electric Power, Distribution and	
Transmission	Safety Red
Municipal Electric Systems	Safety Red
Gas Distribution and Transmission	High Visibility
	Safety Yellow
Oil Distribution and Transmission	High Visibility
	Safety Yellow
<u>Communication Systems</u>	<u>Safety Alert Orange</u>
Telephone and Telegraph Systems	Safety Alert Orange
Community Antenna Television Systems ..	Safety Alert Orange

Water Systems Safety Precaution
 Blue
 Sewer Systems Safety Green
 Non-potable Water and Slurry Lines Safety Purple

Excavator Use Only

Temporary Survey Safety Pink
 Proposed Excavation..... Safety White (Black
 when snow is on the
 ground)

(Source: P.A. 96-714, eff. 1-1-10.)

(220 ILCS 50/11) (from Ch. 111 2/3, par. 1611)

Sec. 11. Penalties; liability; fund.

(a) Every excavator ~~person~~ who, while engaging in excavation or demolition, willfully ~~wilfully~~ fails to comply with the Act by failing to provide the notice to the underground utility facility owners or operators in and ~~of the~~ ~~underground facilities~~ near the excavation or demolition area through JULIE ~~the State Wide One Call Notice System~~ as required by Section 4, 5, or 6 of this Act shall be subject to a penalty of not more than ~~up to~~ \$5,000 for each separate offense and shall be liable for the damage caused to the underground utility facility owners or operators ~~of the~~ ~~facility~~. Every excavator ~~person~~ who fails to provide notice

and willfully fails to comply with other provisions of this Act shall be subject to additional penalties of not more than ~~up to~~ \$2,500 for each separate offense and shall be liable for the damage caused to the underground utility facility owners or operators ~~of the facility~~.

(b) Every excavator ~~person~~ who has provided the notice to the underground utility facility owners or operators ~~of the underground utility facilities~~ in and near the excavation or demolition area through JULIE ~~the State Wide One Call Notice System~~ as required by Section 4 or 6 of this Act, but otherwise willfully ~~wilfully~~ fails to comply with this Act, shall be subject to a penalty of not more than ~~up to~~ \$2,500 for each separate offense and shall be liable for the damage caused to the underground utility facility owners or operators ~~of the facility~~.

(c) Every excavator ~~person~~ who, while engaging in excavation or demolition, has provided the notice to the underground utility facility owners or operators ~~of the underground utility facilities~~ in and near the excavation or demolition area through JULIE ~~the State Wide One Call Notice System~~ as required by Section 4 or 6 of this Act, but otherwise, while acting reasonably, damages any ~~underground utility~~ facilities, shall not be subject to a penalty, but shall be liable for the damage caused to the underground utility facility owners or operators ~~of the facility~~ provided the ~~underground utility~~ facility is properly marked as

provided in Section 10 of this Act.

(d) Every excavator ~~person~~ who provides notice to the underground utility facility owners or operators ~~of the underground utility facilities~~ through JULIE ~~the State-Wide One Call Notice System~~ as a no show, incomplete, or an emergency locate request and the ~~locate~~ request is not a no show, incomplete, or an emergency locate request ~~as defined in Section 2.6 of this Act~~ shall be subject to a penalty of not more than up to \$2,500 for each separate offense.

(e) Underground utility facility owners or operators ~~Owners and operators of underground utility facilities~~ who willfully fail to comply with this Act, unless otherwise stated in this Section, shall be subject to a penalty of not more than \$2,500 for each separate offense. ~~A~~ by a failure to respond or mark the approximate location of facilities by the dig start date and time on the notice ~~an underground utility~~ as required by subsection (h) of Section 4, subsection (c) ~~(a)~~ of Section 6, or Section 10 of this Act after being notified of planned or emergency excavation or demolition through JULIE ~~the State-Wide One Call Notice System~~, shall be subject to a penalty of not more than up to \$5,000 for each separate offense.

(1) Underground utility facility owners or operators who fail to provide a response to the positive response system by the dig start date and time on the notice, as required in subsection (b) of Section 5.1, on more than

10% of their weekly required responses for 4 or more consecutive weeks, shall be subject to a penalty of not more than \$250 for each separate offense.

(2) Underground utility facility owners or operators shall not be subject to a penalty where a delay in responding through the positive response system is caused by conditions beyond the reasonable control of such underground utility facility owners or operators.

(f) As provided in Section 3 of this Act, all underground utility facility owners or operators ~~of underground utility facilities~~ who fail to join JULIE ~~the State Wide One Call Notice System~~ by January 1, 2003 shall be subject to a penalty of \$100 per day for each separate offense. Every day an underground utility facility owner or operator fails to join JULIE ~~the State Wide One Call Notice System~~ is a separate offense. ~~This subsection (f) does not apply to utilities operating facilities exclusively within the boundaries of a municipality with a population of at least 1,000,000 persons.~~

(g) No underground utility facility owner or operator ~~of underground utility facilities~~ shall be subject to a penalty where a delay in marking or a failure to mark or properly mark the location of a facility ~~an underground utility~~ is caused by conditions beyond the reasonable control of such underground utility facility owner or operator. It is the responsibility of the underground utility facility owners or operators to demonstrate how the condition affected their ability to

respond and caused it to become beyond the reasonable control.

Each underground utility facility owner or operator shall staff in a manner that such underground utility facility owner or operator can respond by the dig start date and time on the notices within the underground utility facility owner's or operator's reasonable control.

(h) Any entity that ~~person who~~ is neither an agent, employee, or authorized locating contractor of the underground utility facility owner or operator ~~of the underground utility facility~~ nor an excavator involved in the excavation or demolition activity that ~~who~~ removes, alters, or otherwise damages markings, flags, lathe with color ribbon, chalk, whiskers, or paint ~~or stakes~~ used to mark the location of facilities ~~an underground utility~~ other than during the course of the excavation or demolition for which the markings were made or before completion of the project shall be subject to a penalty up to \$1,000 for each separate offense.

(i) (Blank).

(i-5) All parties who submit alleged violations to the Illinois Commerce Commission shall use the forms provided and should submit not later than 65 days after the discovery of the alleged violation. Any alleged violation submission received after the 65-day period shall be subject to a penalty of not more than \$500 but not less than \$100 per occurrence. Excavators shall not be subject to a penalty under this subsection when their decision to submit an alleged violation

form later than the 65-day period is a result of receiving a damage claim from an underground utility facility owner or operator after the expiration of the excavator's 65-day period for submitting an alleged violation.

(j) The Illinois Commerce Commission shall have the power and jurisdiction to, and shall, enforce the provisions of this Act. The Illinois Commerce Commission may impose administrative penalties as provided in this Section. The Illinois Commerce Commission may promulgate rules and develop enforcement policies in the manner provided by the Public Utilities Act in order to implement compliance with this Act. When a penalty is warranted, the following criteria shall be used in determining the magnitude of the penalty:

- (1) gravity of noncompliance;
- (2) culpability of offender;
- (3) history of noncompliance for the 18 months prior to the date of the incident; however, when determining noncompliance ~~non-compliance~~ the alleged violator's roles as underground utility facility operator or owner and the excavator ~~person engaged in excavating~~ shall be treated separately;
- (4) (blank); ~~ability to pay penalty;~~
- (5) show of good faith of offender;
- (6) (blank); ~~and ability to continue business; and~~
- (7) other special circumstances.

(k) There is hereby created in the State treasury a

special fund to be known as the Illinois Underground Utility Facilities Damage Prevention Fund. All penalties recovered by the Illinois Commerce Commission in any action under this Section shall be paid into the Fund and shall be distributed annually as a grant to JULIE ~~the State Wide One Call Notice System~~ to be used in safety and informational programs to reduce the number of incidents of damage to ~~underground utility~~ facilities in Illinois. The distribution shall be made during January of each calendar year based on the balance in the Illinois Underground Utility Facilities Damage Prevention Fund as of December 31 of the previous calendar year. In all such actions under this Section, the procedure and rules of evidence shall conform with the Code of Civil Procedure, and with rules of courts governing civil trials.

(1) The Illinois Commerce Commission shall establish an Advisory Committee consisting of a representative from each of the following: utility operator, ~~JULIE,~~ excavator, municipality, ~~and~~ the general public, and a nonmunicipal public body. The Advisory Committee shall serve as a peer review panel for any contested penalties resulting from the enforcement of this Act.

The members of the Advisory Committee shall be immune, individually and jointly, from civil liability for any act or omission done or made in performance of their duties while serving as members of such Advisory Committee, unless the act or omission was the result of willful and wanton misconduct.

(m) If, after the Advisory Committee has considered a particular contested penalty and performed its review functions under this Act and the Illinois Commerce Commission's rules, there remains a dispute as to whether the Illinois Commerce Commission should impose a penalty under this Act, the matter shall proceed in the manner set forth in Article X of the Public Utilities Act, including the provisions governing judicial review.

(Source: P.A. 96-714, eff. 1-1-10.)

(220 ILCS 50/11.3)

Sec. 11.3. Emergency telephone system outages; reimbursement. Any excavator person who negligently damages a ~~an underground facility or CATS~~ facility causing an emergency telephone system outage must reimburse the public safety agency that provides personnel to answer calls or to maintain or operate an emergency telephone system during the outage for the agency's costs associated with answering calls or maintaining or operating the system during the outage. For the purposes of this Section, "public safety agency" means the same as in Section 2.02 of the Emergency Telephone System Act.

(Source: P.A. 92-149, eff. 1-1-02.)

(220 ILCS 50/11.5)

Sec. 11.5. Limitation on liability.

(a) In joining JULIE ~~the State Wide One Call Notice~~

~~System~~, a municipality's liability, under any membership agreement rules and regulations, for the indemnification of (i) the entity that is in charge of or managing JULIE ~~the System~~ or any officer, agent, or employee of JULIE ~~that entity~~ or (ii) an underground utility facility owner or operator of JULIE ~~a member of the System~~ or any officer, agent, or employee of an underground utility facility owner or operator of JULIE ~~a member of the System~~ shall be limited to claims arising as a result of the acts or omissions of the municipality or its officers, agents, or employees or arising out of the operations of the municipality's ~~underground~~ utility facilities.

(b) Subsection (a) shall not be construed to create any additional liability for a municipality in relation to any underground utility facility owner or operator of JULIE ~~member of the System~~ with which the municipality may have entered into a franchise agreement. If a municipality's liability for indemnification under a franchise agreement is narrower than under this Section, the franchise agreement controls.

(Source: P.A. 90-481, eff. 8-17-97.)

(220 ILCS 50/12) (from Ch. 111 2/3, par. 1612)

Sec. 12. Noncompliance and enforcement action time frames.
No action may be brought by the Illinois Commerce Commission under Section 11 of this Act unless commenced within 2 years after the date of the alleged violation of this Act.

Beginning January 1, 2025, all parties submitting alleged violations to the Illinois Commerce Commission shall use the forms provided and shall submit no later than 65 days after the discovery of the alleged violation. Any report of an alleged violation received later than 65 days after the discovery of the alleged violation shall be subject to a penalty as provided for in Section 11.

Beginning January 1, 2025, the Illinois Commerce Commission shall provide notice of investigation to the parties involved in the alleged violation report within 20 days after the receipt of the alleged violation report.

Once a notice of investigation has been sent for all alleged violations reported on or after January 1, 2025, no further action may be brought by the Illinois Commerce Commission under Section 11 unless the notice of violation has been provided by the Illinois Commerce Commission staff to the entity determined to be in violation within 195 days after the date of the notice of investigation. For alleged violations that involve utility damage, personal injury or death, or property damage, an additional 130 days shall be allowed for the Illinois Commerce Commission staff to determine if the alleged entity was in violation.

Beginning July 1, 2025, the Illinois Commerce Commission shall provide for public review a monthly report listing all of the reports of alleged violations it received in the prior month. The listing shall be available by the end of the

violations report. The listing shall be available by the end of second full week for all reports from the previous month. The listing shall, at a minimum, include: (1) the name of the party submitting the alleged violation; (2) the name of the party and the name of the project owner that is alleged to be in violation; (3) the date the alleged violation report is submitted; and (4) the Section or Sections of the Act applicable to the submitted alleged violation.

JULIE, Inc., may submit reports to the Illinois Commerce Commission for alleged violations of Section 5.1.

(Source: P.A. 86-674.)

(220 ILCS 50/13) (from Ch. 111 2/3, par. 1613)

Sec. 13. Mandamus or injunction. Where public safety or the preservation of uninterrupted, necessary facilities ~~utility service or community antenna television system service~~ is endangered by any excavator ~~person engaging in excavation or demolition~~ in a negligent or unsafe manner which has resulted in or is likely to result in damage to ~~underground utility facilities or CATS~~ facilities or proposing to use procedures for excavation or demolition which are likely to result in damage to ~~underground utility facilities or CATS~~ facilities, or where the underground utility facility owner or operator ~~of underground utility facilities or CATS facilities~~ endangers an excavator by willfully failing to respond to a notice locate request, the underground utility facility owner

or operator ~~of such facilities~~ or the excavator or the State's Attorney or the Illinois Commerce Commission at the request of the underground utility facility owner or operator ~~of such facilities~~ or the excavator may commence an action in the circuit court for the county in which the excavation or demolition is occurring or is to occur, or in which the person or entity complained of has its ~~his~~ principal place of business or resides, for the purpose of having such negligent or unsafe excavation or demolition stopped and prevented or to compel the marking of ~~underground utilities facilities or CATS facilities~~, either by mandamus or injunction.

(Source: P.A. 92-179, eff. 7-1-02.)

(220 ILCS 50/14) (from Ch. 111 2/3, par. 1614)

Sec. 14. Home rule. The regulation of ~~underground utility facilities and CATS~~ facilities damage prevention, as provided for in this Act, is an exclusive power and function of the State. A home rule unit may not regulate ~~underground utility facilities and CATS~~ facilities damage prevention, as provided for in this Act. All units of local government, including home rule units that are not municipalities of more than 1,000,000 persons operating its own One-Call Notice System, must comply with ~~the provisions of~~ this Act. To this extent, this Section is a denial and limitation of home rule powers and functions under subsection (h) of Section 6 of Article VII of the Illinois Constitution. A home rule municipality of more than

1,000,000 persons may regulate underground utility facilities ~~and CATS facilities~~ damage prevention.

(Source: P.A. 99-121, eff. 7-23-15.)

(220 ILCS 50/2.1 rep.)

(220 ILCS 50/2.1.3 rep.)

(220 ILCS 50/2.1.4 rep.)

(220 ILCS 50/2.1.5 rep.)

(220 ILCS 50/2.1.6 rep.)

(220 ILCS 50/2.1.9 rep.)

(220 ILCS 50/2.1.10 rep.)

(220 ILCS 50/2.2 rep.)

(220 ILCS 50/2.3 rep.)

(220 ILCS 50/2.4 rep.)

(220 ILCS 50/2.5 rep.)

(220 ILCS 50/2.6 rep.)

(220 ILCS 50/2.7 rep.)

(220 ILCS 50/2.8 rep.)

(220 ILCS 50/2.9 rep.)

(220 ILCS 50/2.10 rep.)

(220 ILCS 50/2.11 rep.)

(220 ILCS 50/5 rep.)

Section 10. The Illinois Underground Utility Facilities Damage Prevention Act is amended by repealing Sections 2.1, 2.1.3, 2.1.4, 2.1.5, 2.1.6, 2.1.9, 2.1.10, 2.2, 2.3, 2.4, 2.5, 2.6, 2.7, 2.8, 2.9, 2.10, 2.11, and 5.

Public Act 103-0614

HB5546 Enrolled

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Section 99. Effective date. This Act takes effect January 1, 2025.