

55-2202:

(5) An “Emergency” exists when one or more of the following conditions is present:

- (a) means aAny sudden or unforeseen condition constituting a clear and present danger to life, health, or property;
- (b) or aAny condition where excavation is required to avoid an unplanned customer service outage;
- (c) or Any condition where the blockage of roads or transportation facilities that requires immediate action;
- (d) Any unstable condition which may result in any of the conditions listed in items (a) through (c); or
- (e) Any condition where immediate action is required by the facility owner to repair, move, abandon, or otherwise modify their own facilities due to an unscheduled incident.

55-2205:

(4) Emergency excavations are exempt from the time requirements for notification provided in this section except as provided in subsection (6).

(5) All requests for emergency excavation must include an updated and accurate contact information for the individual responsible to coordinate response by the excavator.

(6) Upon receiving notice of an emergency excavation, the underground facility owner/operator or their designated agent must:

- (a) Provide an updated and accurate contact information for the individual responsible to coordinate response by the owner/operator.
- (b) Make a reasonable attempt to contact the excavator within one hour at the telephone number provided in the locate ticket to provide any information concerning facilities at or near the area of excavation including an anticipated response time; and
- (c) Make a reasonable effort to arrive on site within two hours to locate and mark the underground facility unless otherwise agreed between the parties.
- (d) In the event that an owner/operator or their designated agent cannot complete the marking required in subsection (c), the owner/operator shall immediately notify the excavator and document a detailed account of their efforts to do so along with the conditions preventing their completion of the task.

(7) Any person who falsely claims that an emergency exists requiring an excavation is a violation of this chapter and is subject to civil penalties as described in this chapter.

(8) language from current paragraph 5