



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB5546

Introduced 2/9/2024, by Rep. Lawrence "Larry" Walsh, Jr.

SYNOPSIS AS INTRODUCED:

See Index

Amends the Illinois Underground Utility Facilities Damage Prevention Act. Removes references to the State-Wide One-Call Notice System and replaces it with JULIE, Inc. Sets forth additional definitions. Provides that owners or operators of underground utility facilities are required to be members of JULIE. Sets forth requirements for excavators engaging in nonemergency excavation or demolition. Sets forth notice requirements prior to engaging in the excavation or demolition. Provides that underground utility facility owners or operators may request to be present when excavation occurs when there is a critical facility within a proposed excavation area and excavators shall comply with a request to be present during excavation. Creates the positive response system to be implemented by January 1, 2026. Provides that excavators and facility owners or operators shall use the positive response system to send and respond to required notices. Sets forth required response times in various circumstances. Provides that facility owners or operators shall respond to a valid planning design request and the requirements for the response. Provides for joint meet notifications and sets forth responsibilities of excavators and facility owners or operators for a joint meet. Provides that any county or the State that has shared geographic information system data with any other not-for-profit or agency shall share the information with JULIE. Sets forth requirements for emergency excavation or demolition circumstances. Sets forth liability for damage or dislocation of a facility. Makes other changes. Makes conforming changes. Effective immediately.

LRB103 38732 CES 68869 b

1 AN ACT concerning regulation.

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

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

8 (220 ILCS 50/1) (from Ch. 111 2/3, par. 1601)

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

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

16 (220 ILCS 50/2) (from Ch. 111 2/3, par. 1602)

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

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

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

8 "Damage notification" means a notification through JULIE
9 to the underground utility facility owner or operator that
10 damage to a facility has occurred in the area of the excavation
11 or demolition.

12 "Day" or "days" means any day, beginning at 12:00 a.m. and
13 ending at 11:59 p.m., excluding holidays recognized by JULIE,
14 Saturdays, Sundays and the day of the actual notice.

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

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

23 "Excavation" means:

24 (1) any operation in which earth, rock, or other
25 material in or on the ground is moved, removed, or
26 otherwise displaced by means of any tools, power equipment

1 or explosives, and includes, without limitation, grading,
2 trenching, digging, ditching, drilling, augering, boring,
3 tunneling, scraping, cable or pipe plowing, saw cutting or
4 roadway surface milling when penetrating into the base or
5 subbase of a paved surface, and driving, but does not
6 include:

7 (A) farm tillage operations;

8 (B) railroad right-of-way maintenance;

9 (C) coal mining operations regulated under the
10 federal Surface Mining Control and Reclamation Act of
11 1977 or any State law or rules or regulations adopted
12 under the federal statute;

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

16 (E) roadway surface milling;

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

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

24 (H) manually inserting, without the use of power
25 equipment, a round-tipped ground rod for the purpose
26 of grounding utility equipment when an emergency

1 exists and no other ground source is available.

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

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

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

10 "Exposed notification" means a notification through JULIE
11 to the underground utility facility owner or operator that an
12 unmarked facility has been exposed in the area of the
13 excavation or demolition but has not been damaged.

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

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

21 (2) An extension request will extend, by 25 days, the
22 expiration of the initial normal notice request or latest
23 extension request.

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

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

6 (1) address points with site addresses;

7 (2) parcels with site addresses;

8 (3) road center lines with names and address range;

9 (4) city limits with names;

10 (5) political townships with names;

11 (6) railroads with names;

12 (7) streams with names; and

13 (8) water bodies with names.

14 "Incomplete request" means a notice initiated by an
15 excavator through JULIE to the underground utility facility
16 owners or operators notified in a prior request that such
17 underground utility facility owners or operators, as
18 identified by the excavator and confirmed, through the
19 positive response system once implemented, in accordance with
20 subsection (a) of Section 5.1, did not completely mark the
21 entire extent or the entire segment of the proposed
22 excavation, as identified on the prior notice or as previously
23 documented and mutually agreed upon.

24 "Joint meet request" means a notice of a meeting held
25 prior to the excavation phase to discuss projects that cannot
26 be adequately communicated within a normal notice request. The

1 meeting is intended to allow the exchange of maps, plans, or
2 schedules. It is not a locating session and shall be held at or
3 near the excavation site, or through electronic means, if
4 available and agreed to by all parties. Joint meet requests
5 are not to be used in lieu of valid normal notice requests and
6 are required for, but not limited to, large projects.

7 "JULIE Excavation Safety Resource" means the materials
8 periodically updated and published by JULIE that provide
9 information for excavators and underground utility facility
10 owners or operators on the use and services of JULIE, Inc.

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

14 "Locatable service laterals" applies to underground
15 facilities installed after December 31, 2025. Any excavator or
16 legal entity, public or private, who, after December 31, 2025,
17 installs a nonconductive service lateral shall ensure the
18 installation is locatable by electromagnetic means or other
19 equally effective means for marking the location of the
20 service lateral. The requirement shall not apply to minor
21 repairs to, or partial replacements of, service laterals
22 installed prior to December 31, 2025.

23 "Normal notice request" means a notification made by an
24 excavator, through JULIE, in advance of a planned excavation
25 or demolition.

26 (1) The notification shall be made at least 2 days,

1 but no more than 10 days, before beginning the planned
2 excavation or demolition.

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

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

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

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

23 "Notice" means any record transmitted to an underground
24 utility facility owner or operator of JULIE which shall
25 include, but not be limited to, cancel, damage, emergency,
26 exposed, extension, incomplete, joint meet, no show, normal,

1 planning design, or re-mark.

2 "One-Call Notice System" means the communication system
3 known as "JULIE, Inc." or "JULIE", utilized by excavators,
4 designers, or any other entities covered by this Act to notify
5 underground utility facility owners or operators of their
6 intent to perform excavation or demolition or similar work as
7 defined by this Act and shall include all underground utility
8 facilities owned or operated outside the city limits of the
9 City of Chicago.

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

14 "Place" means any political subdivision, incorporated or
15 unincorporated, listed within the JULIE database.

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

26 "Positive response system" means an automated system

1 facilitated by JULIE allowing underground utility facility
2 owners or operators to communicate to an excavator the
3 presence, absence, or response status of any conflict between
4 the existing facilities in or near the area of excavation or
5 demolition on each notice received.

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

13 (1) Physical pre-marking for the area of the planned
14 excavation or demolition shall be accomplished prior to
15 notifying JULIE.

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

24 (3) A verbal pre-mark is adequate when the scope
25 requested to be marked is narrow and explicit enough to
26 prevent marking beyond the actual area of excavation or

1 demolition. An existing above ground fixed structure may
2 be referenced as a verbal pre-mark.

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

7 "Reasonable Control Measurement" shall be used to
8 determine notice volumes or dig site notification areas that
9 exceed historic averages by more than 15% for a particular
10 place. Historic averages shall be determined by comparing
11 notice volumes or dig site notification areas over the
12 immediate past 7 days to the same 7-day period for the past 5
13 years. A 5-year trimmed mean, removing the highest and lowest
14 years, and averaging the remaining 3 years, shall be the final
15 determinate of this measurement. The official measurement of
16 the notice volumes or dig site notification areas shall be
17 provided by JULIE. If an underground utility facility owner or
18 operator, their contractor, or subcontractor, provides a
19 minimum of 90 days advance notice of a large project, through
20 JULIE, and fully complies with the joint meet process as
21 required in Section 5.3, shall have no additional days
22 required prior to the start of excavation because of
23 fluctuations in notice volume.

24 "Re-mark request" means a notice initiated by an excavator
25 through JULIE to the underground utility facility owners or
26 operators notified in the previous notice requesting

1 underground utility facility owners or operators to re-mark
2 all or part of the work area identified in the previous notice
3 because facility markings are becoming or have become
4 indistinguishable due to factors, including, but not limited
5 to, weather, fading, construction activity, or vandalism. Only
6 the affected areas where excavation or demolition is to
7 continue shall be requested to be re-marked.

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

15 "Roadway surface milling" means the removal of a uniform
16 pavement section by rotomilling, grinding, saw cutting, or
17 other means that does not penetrate into the roadway base or
18 subbase.

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

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

25 "Tolerance zone" means:

26 (1) if the diameter of the underground utility

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

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

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

11 The underground utility facility markings provided
12 shall not indicate that the width of the marked
13 underground utility facility is any greater than the
14 actual width of the underground utility facility or 2
15 inches, whichever is greater. The tolerance zone shall
16 also apply to visible utility structures, including, but
17 not limited to, poles with overhead to underground
18 transitions, pedestals, transformers, meters, hydrants,
19 and valve boxes. There shall be a one and one-half foot
20 tolerance zone horizontally around such facilities.

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

26 (1) a public utility as defined in the Public

1 Utilities Act;

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

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

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

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

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

15 (7) any other entity owning or operating underground
16 facilities that transport or generate electrical power to
17 other utility owners or operators;

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

20 (9) any other active underground utility facility
21 owner or operator of JULIE.

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

23 (220 ILCS 50/3) (from Ch. 111 2/3, par. 1603)

24 Sec. 3. JULIE Membership. The owners or operators of
25 underground utility facilities are required to be members of

1 JULIE. JULIE shall require that all facility information
2 needed to operate JULIE within each underground utility
3 facility owner's or operator's domain be identified and
4 provided by the underground utility facility owner or operator
5 to JULIE or CATS facilities that are not currently
6 participants in the State Wide One Call Notice System shall,
7 within 6 months of the effective date of this Act, join the
8 State Wide One Call Notice System. This Section shall not
9 apply to utilities operating facilities or CATS facilities
10 exclusively within the boundaries of a municipality with a
11 population of at least one million persons.

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

13 (220 ILCS 50/4) (from Ch. 111 2/3, par. 1604)

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

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

20 (b) plan the excavation or demolition to avoid or
21 minimize interference with ~~underground utility~~ facilities
22 within the tolerance zone by utilizing such precautions
23 that include, but are not limited to, hand or excavation,
24 vacuum excavation methods to the depth of the proposed
25 excavation or demolition, and visually inspecting the

1 excavation while in progress until clear of the
2 approximate location of the existing marked facility;

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

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

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

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

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

25 (3) the county and place or places ~~all counties,~~
26 ~~cities, or townships, or any combination thereof,~~

1 where the proposed excavation shall take place;

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

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

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

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

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

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

19 (10) the identity of the project owner; and

20 (11) the latitude and longitude of the relevant
21 area, if available;

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

25 (e) provide, during and following excavation or
26 demolition, such support for existing ~~underground utility~~

1 facilities in and near the excavation or demolition area
2 as may be reasonably necessary for the protection of such
3 facilities and known service laterals unless otherwise
4 agreed to by the owner or operator of the underground
5 facility or owners of any known service laterals;

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

10 (g) ~~after February 29, 2004,~~ when the excavation or
11 demolition project will extend past ~~28 calendar days from~~
12 the 25-day expiration date of the original notice provided
13 under clause (d) or a subsequent extension notice, if
14 marks are requested, the excavator shall pre-mark prior to
15 requesting any subsequent extension notice, ~~the excavator~~
16 ~~shall provide a subsequent notice to the owners or~~
17 ~~operators of the underground utility facilities in and~~
18 ~~near the excavation or demolition area through the~~
19 ~~State Wide One Call Notice System or, in the case of~~
20 ~~excavation or demolition within the boundaries of a~~
21 ~~municipality having a population of at least 1,000,000~~
22 ~~inhabitants that operates its own one call notice system,~~
23 ~~through the one call notice system that operates in that~~
24 ~~municipality informing utility owners and operators that~~
25 ~~additional time to complete the excavation or demolition~~
26 ~~project will be required. The notice will provide the~~

1 ~~excavator with an additional 28 calendar days from the~~
2 ~~date of the subsequent notification to continue or~~
3 ~~complete the excavation or demolition project;~~

4 (h) exercise due care at all times to protect
5 ~~underground utility~~ facilities and known service laterals.
6 If, after proper notification through JULIE ~~the State Wide~~
7 ~~One Call Notice System~~ and upon arrival at the site of the
8 proposed excavation, the excavator observes clear evidence
9 of the presence of an unmarked or incompletely marked
10 facility utility in the area of the proposed excavation,
11 the excavator shall provide subsequent notice through
12 JULIE of the unmarked or incompletely marked area and
13 shall not begin excavating until all affected facilities
14 have been marked or 2 hours, whichever is shorter, unless
15 a greater time is indicated on the subsequent notice after
16 ~~an additional call is made to the State Wide One Call~~
17 ~~Notice System for the area~~. The owner or operator of the
18 underground utility facility shall respond within 2 hours
19 unless a greater time is indicated on the notice provided
20 through JULIE ~~of the excavator's call to the State Wide~~
21 ~~One Call Notice System; and~~

22 (i) when factors, including, but not limited to,
23 weather, construction activity, or vandalism, at the
24 excavation site have caused the facility utility markings
25 to become faded or indistinguishable, the excavator shall
26 pre-mark again and provide a re-mark request ~~an additional~~

1 ~~notice through JULIE the State Wide One Call Notice System~~
2 requesting that only the affected areas where excavation
3 or demolition is to continue be re-marked. Underground
4 utility facility Facility owners or operators must respond
5 to the notice to re-mark by the dig start date and time on
6 the notice according to the requirements of Section 10 of
7 this Act.

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

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

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

16 (220 ILCS 50/4.1 new)

17 Sec. 4.1. Watch and protect.

18 (a) If, upon notice from JULIE, an underground utility
19 facility owner or operator determines that there is a critical
20 facility within the proposed excavation area and the
21 underground utility facility owner or operator desires to have
22 an authorized representative present during excavation near
23 the critical facility, the underground utility facility owner
24 or operator shall contact the excavator prior to the dig start
25 date and time provided on the notice to schedule a date and

1 time for the underground utility facility owner or operator to
2 be present when excavation will occur near the critical
3 facility.

4 (b) All excavators shall comply with the underground
5 utility facility owner's or operator's request to be present
6 during excavation near critical facilities. In lieu of having
7 an authorized representative present, the underground utility
8 facility owner or operator may choose to perform an open cut
9 utility locate of the critical facility to expose its
10 location. However, it is incumbent on the underground utility
11 facility owner or operator to comply with the excavator's
12 schedule for when excavation will occur near the critical
13 facility.

14 (c) During the course of a project, if excavation near
15 critical facilities stops by more than one day and then
16 recommences, the excavator shall establish direct contact with
17 the underground utility facility owner or operator not less
18 than one day prior to the excavation, each time the excavation
19 is to occur, to advise the underground utility facility owner
20 or operator of the excavation taking place.

21 (d) Nothing in this Section shall prohibit an excavator
22 from excavating prudently and carefully near a critical
23 facility without the underground utility facility owner or
24 operator present if the underground utility facility owner or
25 operator waives the request to be present or to complete an
26 open cut utility locate exposing the critical facility or is

1 unable to comply with the excavator's schedule.

2 (220 ILCS 50/5.1 new)

3 Sec. 5.1. Positive response system.

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

10 (b) Beginning January 1, 2026, an underground utility
11 facility owner or operator shall respond through the positive
12 response system prior to the dig start date and time on the
13 notice with an appropriate system code. A minimal delay not to
14 exceed one hour in reporting a system code in response to an
15 emergency request shall not be a violation of this Section.

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

25 (d) If an underground utility facility owner or operator

1 fails to respond or provide a status update to the positive
2 response system, the excavator may proceed after providing a
3 no show or incomplete request through JULIE. The notified
4 underground utility facility owners or operators shall respond
5 by the dig start date and time on the notice.

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

12 (220 ILCS 50/5.2 new)

13 Sec. 5.2. Planning design request.

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

16 (1) respond to a valid planning design request within
17 10 days after receiving the request or by such other date
18 as shall be mutually agreed upon between the underground
19 utility facility owner or operator and the designer or
20 planner. The underground utility facility owner or
21 operator shall provide information regarding the location,
22 size, if greater than 1.5 inches in diameter, which shall
23 be generically listed as communication, electric, gas,
24 water, sewer, streetlight, or traffic control and if
25 direct buried or in conduit or a duct package, of

1 facilities based on the best information available to the
2 underground utility facility owner or operator within the
3 scope of the proposed project;

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

6 (A) if available, provide digital, KMZ file or
7 shapefile, or paper drawings or prints, that are drawn
8 to scale. Include visible utility structures, which
9 shall include, measurements from back of curb,
10 sidewalk, edge of pavement, centerline of ditch,
11 property lines, and other similar items;

12 (B) request the proposed plans or drawings from
13 the designer or planner and illustrate the location of
14 the underground utility facility owner's or operator's
15 facilities, drawn to scale. If available, providing
16 the type and size, as described in paragraph (1), of
17 the facilities, including visible structures on such
18 plans;

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

23 (D) if the responding underground utility facility
24 owner or operator is unable to comply with paragraph
25 (A) or (B), then the underground utility facility
26 owner or operator shall mark the facilities within the

1 scope of the proposed project, as agreed to with the
2 planner or designer; or

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

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

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

15 (1) follow the guidelines set forth in CI/ASCE 38-02
16 Standard Guidelines for the Collection and Depiction of
17 Existing Subsurface Utility Data, as amended, when
18 preparing plans or drawings;

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

25 (3) make all reasonable efforts to prepare the plans
26 or drawings to minimize interference with known existing

1 and proposed facilities in the proposed project area.

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

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

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

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

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

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

16 (B) street names involved in the proposed project
17 or the north, south, east, and west boundaries of the
18 proposed project or the section number or numbers
19 involved in the proposed project;

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

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

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

26 Known site-specific facility information shall be made

1 available to the project owner to be delivered to qualified
2 bidders of the proposed project.

3 (220 ILCS 50/5.3 new)

4 Sec. 5.3. Joint meet notification.

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

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

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

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

15 (4) the date, time, and location where the joint meet
16 will take place. The location of the joint meet shall be
17 near the project site; and

18 (5) a minimum advance notice of the joint meet of 2
19 days, but no more than 90 days prior to the planned start
20 of excavation or demolition.

21 (b) Upon the receipt of a joint meet notification, an
22 underground utility facility owner or operator shall attend
23 the joint meet at the specified time and location; electronic
24 meetings are also acceptable. In the event there is a conflict
25 between joint meet notifications, an excavator that provided a

1 joint meet notification may receive a communication from an
2 underground utility facility owner or operator requesting an
3 alternate meeting time or date.

4 (c) If a joint meet notification is provided as part of a
5 large project, the excavator shall notify the project owner
6 and the designer or planner when and where the joint meet is to
7 occur.

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

14 (e) Prior to the meeting, the excavator shall physically
15 or electronically pre-mark the extent of the initial request
16 for the proposed excavation area or route if normal notice
17 requests are planned to be submitted with excavation beginning
18 after the minimum advance notice of 2 days after the joint
19 meet. The minimum advance notice for a large project is 5 days.

20 (f) Those participating at the joint meet shall agree to
21 their individual obligations consistent with the project.
22 Parties are expected to negotiate in good faith. Underground
23 utility facility owner or operator, along with the excavator
24 involved, shall work in a cooperative manner to negotiate in
25 good faith. These obligations may vary from project to
26 project. It is not the intent of this process to provide a

1 specific set of standards for all projects. It is intended
2 that those participating at the joint meet shall have the
3 flexibility to make decisions consistent with the project's
4 parameters.

5 (g) The scope of the project shall be defined at the joint
6 meet and specific project details, including, but not limited
7 to, the number of phases, and the number of excavation crews
8 working for the contractor or subcontractors, to the extent
9 possible, shall be provided.

10 (h) The size and number of normal notice requests agreed
11 to be submitted at one time at the joint meet shall be
12 documented in the meeting notes and made available to those
13 participating in the joint meet. However, any such agreement
14 reached shall not exceed the normal notice request extension
15 limits or exceed the reasonable control of the underground
16 utility facility owners or operators as described in
17 subsection (g) of Section 11.

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

23 (j) Within 90 days after the joint meet, the excavator
24 shall submit the normal notice requests consistent with the
25 agreements reached at the joint meet.

26 (k) The initial normal notice requests submitted after the

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

7 (l) If the project start is delayed more than 90 days, or
8 the scope of the project changes after the joint meet has been
9 held and the locate schedule agreed to, a new joint meet
10 notification shall be required.

11 (m) In a situation where an excavator creates multiple
12 normal notice requests for a single project without a joint
13 meet being held, an affected underground utility facility
14 owner or operator may contact the excavator and recommend the
15 excavator follow the joint meet process to assist in working
16 out a locate schedule. A notified excavator that fails to
17 follow the joint meet process may realize delays in marking of
18 facilities on their project. In accordance with subsection (e)
19 of Section 10, a delay in marking is not necessarily deemed a
20 violation of this Act.

21 (220 ILCS 50/5.4 new)

22 Sec. 5.4. Geographic information system data. Geographic
23 information system data shall be provided to JULIE by any
24 county or State agency that has provided substantially similar
25 data to any other not-for-profit or State agency utilizing

1 such data for public display of information or to be utilized
2 by a not-for-profit or agency in the interest of public
3 safety. This data shall be provided to JULIE at a cost not to
4 exceed the actual cost of transmission of the data.

5 (220 ILCS 50/6) (from Ch. 111 2/3, par. 1606)

6 Sec. 6. Emergency excavation or demolition.

7 (a) Every excavator ~~person~~ who engages in emergency
8 excavation or demolition ~~outside of the boundaries of a~~
9 ~~municipality of at least one million persons which operates~~
10 ~~its own one-call notice system~~ shall take all reasonable
11 precautions to avoid or minimize interference between the
12 emergency work and existing ~~underground utility~~ facilities in
13 and near the excavation or demolition area, ~~through the~~
14 ~~State Wide One Call Notice System,~~ and shall notify, as far in
15 advance as possible, the underground utility facility owners
16 or operators ~~of such underground utility facilities~~ in and
17 near the emergency excavation or demolition area, through
18 JULIE ~~the State Wide One Call Notice System.~~ At a minimum, the
19 notice required under this subsection (a) shall provide:

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

25 (2) the start date and time of the ~~planned~~ emergency

1 excavation or demolition;

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

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

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

10 (b) There is a minimum wait time of 2 hours ~~or the date and~~
11 ~~time requested on the notice, whichever is longer,~~ after an
12 emergency ~~locate notification~~ request is made through JULIE
13 ~~the State Wide One Call Notice System.~~ If the conditions at
14 the site dictate an earlier start than the date and time on the
15 notice ~~required wait time,~~ it is the responsibility of the
16 excavator to demonstrate that site conditions warranted this
17 earlier start time.

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

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

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

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

8 (d) The notice by the underground utility facility owner
9 or operator to the excavator shall be provided utilizing the
10 positive response system, in accordance with Section 5.1, and
11 prior to January 1, 2026 may also ~~person engaged in emergency~~
12 ~~excavation or demolition may~~ be provided by phone or phone
13 message or by marking the excavation or demolition area. The
14 underground utility facility owner or operator has discharged
15 the underground utility facility owner's or operator's
16 obligation to provide notice under this Section if the
17 underground utility facility owner or operator attempts to
18 provide notice by positive response or by telephone but is
19 unable to do so because the excavator ~~person engaged in the~~
20 ~~emergency excavation or demolition~~ does not answer the ~~his or~~
21 ~~her~~ telephone or does not have an answering machine, ~~or~~
22 answering service, or voicemail to receive the telephone call
23 or positive response, in accordance with Section 5.1. If the
24 underground utility facility owner or operator attempts to
25 provide additional notice by telephone ~~or by facsimile~~ but
26 receives a busy signal, that attempt shall not discharge the

1 underground utility facility owner or operator from the
2 obligation to provide notice under this Section.

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

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

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

18 (g) During emergency situations, where the underground
19 utility facility owner or operator has a widespread emergency
20 situation beyond the equipment or personnel capabilities to
21 facilitate a timely repair or correction of the emergency, the
22 underground utility facility owner or operator may utilize
23 subcontractors to facilitate the work without a separate
24 emergency notice by the subcontractor. However, for the
25 purposes of this Act, in such a situation, the underground
26 utility facility owner or operator shall be responsible for

1 the actions of the subcontractor, unless the subcontractor has
2 obtained the subcontractor's own emergency notice.

3 (h) Emergency notices provided through JULIE shall expire
4 10 days after the date of the notice.

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

6 (220 ILCS 50/7) (from Ch. 111 2/3, par. 1607)

7 Sec. 7. Damage or dislocation.

8 (a) In the event of any damage to or dislocation of any
9 ~~underground utility~~ facilities in connection with any
10 excavation or demolition, emergency or nonemergency, the
11 excavator person responsible for the excavation or demolition
12 operations shall immediately notify the affected underground
13 utility facility owner or operator and JULIE utility and the
14 ~~State Wide One Call Notice System~~ and cease excavation in the
15 area of the damage when the damaged facility is a threat to
16 life or property or if otherwise required by law ~~or, in the~~
17 ~~case of damage or dislocation in connection with any~~
18 ~~excavation or demolition within the boundaries of a~~
19 ~~municipality having a population of at least 1,000,000~~
20 ~~inhabitants that operates its own one call notice system,~~
21 ~~notify the affected utility and the one call notice system~~
22 ~~that operates in that municipality.~~

23 (b) The excavator person responsible for the excavation or
24 demolition shall not attempt to repair, clamp, or constrict
25 the damaged utility facility unless under the direct

1 supervision or advisement of the underground utility facility
2 owner or operator. At no time shall an excavator ~~a person~~ under
3 this Act be required by an underground ~~a~~ utility facility
4 owner or operator to attempt to repair, clamp, or constrict a
5 damaged ~~utility~~ facility. In the event of any damage to any
6 ~~underground utility~~ facility that results in the escape of any
7 flammable, toxic, or corrosive gas or liquid, the excavator
8 ~~person~~ responsible for the excavation or demolition shall call
9 9-1-1 and notify authorities of the damage.

10 (c) Owners and operators of underground utility facilities
11 that are damaged, and the excavator involved, shall work in a
12 cooperative and expeditious manner to repair the affected
13 utility.

14 (d) The underground utility facility owner or operator
15 shall provide to JULIE a phone number with a dedicated
16 extension, if applicable, that can be provided to the
17 excavator allowing immediate notification by the excavator to
18 the underground utility facility owner or operator of the
19 potential damage.

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

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

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

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

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

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

4 (220 ILCS 50/7.5 new)

5 Sec. 7.5. Exposed facility.

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

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

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

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

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

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

19 (220 ILCS 50/8) (from Ch. 111 2/3, par. 1608)

20 Sec. 8. Liability or financial responsibility.

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

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

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

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

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

1 (220 ILCS 50/9) (from Ch. 111 2/3, par. 1609)

2 Sec. 9. Negligence.

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

10 (b) When it is shown by competent evidence in any action
11 for damages to excavators persons, material, or equipment
12 brought by excavators persons undertaking excavation or
13 demolition acting in compliance with the provisions of this
14 Act that such damages resulted from the failure of underground
15 utility facility owners or and operators of underground
16 ~~facilities or CATS facilities~~ to comply with the provisions of
17 this Act, those underground utility facility owners or and
18 operators shall be deemed prima facie guilty of negligence.

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

20 (220 ILCS 50/10) (from Ch. 111 2/3, par. 1610)

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

22 (a) Upon notice by the excavator person engaged in
23 ~~excavation or demolition~~, the underground utility facility
24 owners or operators person owning or operating underground
25 ~~utility facilities~~ in or near the excavation or demolition

1 area shall cause a ~~written~~ record to be made of the notice and
2 shall mark, ~~within 48 hours of receipt of notice or~~ by the dig
3 start ~~requested~~ date and time indicated on the notice,
4 ~~whichever is later,~~ the approximate locations of such
5 facilities so as to enable the excavator ~~person excavating or~~
6 ~~demolishing~~ to establish the location of the ~~underground~~
7 ~~utility~~ facilities.

8 For submerged facilities, when the owner or operator of
9 the submerged facilities determines that a proposed excavation
10 or demolition which could include anchoring, pile driving,
11 dredging, or any other water bottom contact for any means
12 performed is in proximity to or in conflict with, submerged
13 facilities located under a lake, river, or navigable waterway,
14 the owner or operator of the submerged facilities shall
15 identify the estimated horizontal route of the submerged
16 facilities, within 15 days or by a date and time mutually
17 agreed to, using marking buoys, other suitable devices, or GPS
18 location data unless directed otherwise by an agency having
19 jurisdiction over the waters under which the submerged
20 facilities are located.

21 (b) Underground utility facility owners or ~~Owners and~~
22 operators of ~~underground~~ sewer facilities ~~that are located~~
23 ~~outside the boundaries of a municipality having a population~~
24 ~~of at least 1,000,000 inhabitants~~ shall be required to respond
25 and mark the approximate location of those sewer facilities
26 when the excavator indicates, in the notice required in

1 Section 4, that the excavation or demolition project will
2 exceed a depth of 7 feet. "Depth", in this case, is defined as
3 the distance measured vertically from the surface of the
4 ground to the top of the sewer facility.

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

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

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

15 (3) the excavation indicated will occur in the
16 immediate proximity of known ~~underground~~ sewer facilities
17 that are less than 7 feet deep.

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

1 Section 7.

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

5 (1) Conditions may exist making it unreasonable to
6 request that locations be marked by the dig start ~~within~~
7 ~~48 hours or by the requested~~ date and time indicated on the
8 notice, ~~whichever is later.~~ In such situations, the
9 excavator and the underground utility facility owner or
10 operator shall interact in good faith to establish a
11 mutually agreeable date and time for the completion of the
12 request.

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

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

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

25 (5) During periods where the notice volumes or dig
26 site notification areas exceed the historical averages as

1 determined by the reasonable control measurements for the
2 place or places with less than a 90-day advance notice, an
3 additional advance notice period, up to 2 days, may be
4 applied to only those additional notices submitted by
5 underground utility facility owners or operators or their
6 contractors or subcontractors for work for the underground
7 utility facility owners or operators within the place or
8 places until notice volumes or dig site notification areas
9 fall below the reasonable control measurement for the
10 place or places.

11 (f) Underground utility facility owners or ~~Owners and~~
12 ~~operators of underground utility facilities~~ must reasonably
13 anticipate seasonal fluctuations in the number of notices
14 ~~locate requests~~ and staff accordingly.

15 Seasonal fluctuations that result in the notice volumes or
16 dig site notification areas that exceed the historical
17 averages by greater than 15% as calculated by the reasonable
18 control measurements within a place or places shall not be
19 considered within the reasonable control of underground
20 utility facility owners or operators and their locate
21 contractors or subcontractors.

22 (g) If an underground utility facility owner or operator ~~a~~
23 ~~person owning or operating underground utility facilities~~
24 receives a notice under this Section but does not own or
25 operate any ~~underground utility~~ facilities within the proposed
26 excavation or demolition area described in the notice, that

1 underground utility facility owner or operator, by the dig
2 start date and time on the notice ~~person, within 48 hours or by~~
3 ~~the requested date and time indicated on the notice, whichever~~
4 ~~is later, after receipt of the notice,~~ shall so notify the
5 excavator who initiated the notice in accordance with Section
6 5.1, and prior to January 1, 2026, may ~~person engaged in~~
7 ~~excavation or demolition who initiated the notice, unless the~~
8 ~~person who initiated the notice expressly waives the right to~~
9 ~~be notified that no facilities are located within the~~
10 ~~excavation or demolition area. The notification by the owner~~
11 ~~or operator of underground utility facilities to the person~~
12 ~~engaged in excavation or demolition may be provided in any~~
13 ~~reasonable manner including, but not limited to, notification~~
14 ~~in any one of the following ways:~~

15 (1) by face-to-face communication;

16 (2) by phone or phone message;

17 (3) by facsimile or email;

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

19 or

20 (5) by marking the excavation or demolition area.

21 (h) The underground utility facility owner or operator ~~of~~
22 ~~those facilities~~ has discharged the underground utility
23 facility owner's or operator's obligation to provide notice
24 under this Section if the underground utility facility owner
25 or operator attempts to provide notice utilizing the positive
26 response system, in accordance with Section 5.1, and prior to

1 January 1, 2026, by:

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

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

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

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

21 ~~A person engaged in excavation or demolition may expressly~~
22 ~~waive the right to notification from the owner or operator of~~
23 ~~underground utility facilities that the owner or operator has~~
24 ~~no facilities located in the proposed excavation or demolition~~
25 ~~area. Waiver of notice is only permissible in the case of~~
26 ~~regular or nonemergency locate requests. The waiver must be~~

1 ~~made at the time of the notice to the State Wide One Call~~
 2 ~~Notice System. A waiver made under this Section is not~~
 3 ~~admissible as evidence in any criminal or civil action that~~
 4 ~~may arise out of, or is in any way related to, the excavation~~
 5 ~~or demolition that is the subject of the waiver.~~

6 For the purposes of this Act, the following color coding
 7 shall be used to mark the approximate location of facilities
 8 by the underground utility facility owners or operators who
 9 ~~underground facility operators~~ may utilize a combination of
 10 flags, lathe with colored ribbon, chalk, whiskers, or stakes,
 11 ~~and paint as when possible on non-paved surfaces and when dig~~
 12 site and seasonal conditions warrant. ~~If the approximate~~
 13 ~~location of an underground utility facility is marked with~~
 14 ~~stakes or other physical means, the following color coding~~
 15 ~~shall be employed:~~

16 ~~Underground Facility type~~ Identification Color

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

20
 21 Electric Power, Distribution and
 22 Transmission Safety Red
 23 Municipal Electric Systems Safety Red

- 1 Gas Distribution and Transmission..... High Visibility
Safety Yellow
- 2 Oil Distribution and Transmission..... High Visibility
Safety Yellow
- 3 Communication Systems..... Safety Alert Orange
- 4 ~~Telephone and Telegraph Systems..... Safety Alert Orange~~
- 5 ~~Community Antenna Television Systems .. Safety Alert Orange~~
- 6 Water Systems..... Safety Precaution
Blue
- 7 Sewer Systems..... Safety Green
- 8 Non-potable Water and Slurry Lines Safety Purple
- 9
- 10 Excavator Use Only
- 11
- 12 Temporary Survey Safety Pink
- 13 Proposed Excavation..... Safety White (Black
- 14 when snow is on the
ground)

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

16 (220 ILCS 50/11) (from Ch. 111 2/3, par. 1611)

17 Sec. 11. Penalties; liability; fund.

18 (a) Every excavator ~~person~~ who, while engaging in
 19 excavation or demolition, willfully ~~wilfully~~ fails to comply
 20 with the Act by failing to provide the notice to the
 21 underground utility facility owners or operators of the

1 underground facilities in and near the excavation or
2 demolition area through JULIE ~~the State Wide One Call Notice~~
3 ~~System~~ as required by Section 4, 5, or 6 of this Act shall be
4 subject to a penalty of not more than \$2,500 ~~up to \$5,000~~ for
5 each separate offense and shall be liable for the damage
6 caused to the underground utility facility owners or operators
7 ~~of the facility~~. Every excavator person who fails to provide
8 notice and willfully fails to comply with other provisions of
9 this Act shall be subject to additional penalties of up to
10 \$2,500 for each separate offense and shall be liable for the
11 damage caused to the underground utility facility owners or
12 operators ~~of the facility~~.

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

23 (c) Every excavator person who, while engaging in
24 excavation or demolition, has provided the notice to the
25 underground utility facility owners or operators ~~of the~~
26 ~~underground utility facilities~~ in and near the excavation or

1 demolition area through JULIE ~~the State Wide One Call Notice~~
2 ~~System~~ as required by Section 4 or 6 of this Act, but
3 otherwise, while acting reasonably, damages any ~~underground~~
4 ~~utility~~ facilities, shall not be subject to a penalty, but
5 shall be liable for the damage caused to the underground
6 utility facility owners or operators ~~of the facility~~ provided
7 the ~~underground utility~~ facility is properly marked as
8 provided in Section 10 of this Act.

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

17 (e) Underground utility facility owners or operators
18 ~~Owners and operators of underground utility facilities~~ who
19 willfully fail to comply with this Act, unless otherwise
20 stated in this Section, shall be subject to a penalty of not
21 more than \$2,500 for each separate offense. A ~~by a~~ failure to
22 respond or mark the approximate location of facilities by the
23 dig start date and time on the notice ~~an underground utility~~ as
24 required by subsection (h) of Section 4, subsection (c) ~~(a)~~ of
25 Section 6, or subsection (a) of Section 10 of this Act after
26 being notified of planned or emergency excavation or

1 demolition through JULIE ~~the State Wide One Call Notice~~
2 ~~System~~, shall be subject to a penalty of not more than \$2,500
3 ~~up to \$5,000~~ for each separate offense.

4 Underground utility facility owners or operators who fail
5 to respond through the positive response system to a notice as
6 required in subsection (b) of Section 5.1 shall be subject to a
7 penalty of up to \$100 for each separate reported offense.

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

13 JULIE shall provide to the Illinois Commerce Commission on
14 a quarterly basis a tabulation of underground utility facility
15 owners or operators that failed to provide a response to the
16 positive response system by the dig start date and time on the
17 notice.

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

1 ~~municipality with a population of at least 1,000,000 persons.~~

2 (g) No underground utility facility owner or operator ~~of~~
3 ~~underground utility facilities~~ shall be subject to a penalty
4 where a delay in marking or a failure to mark or properly mark
5 the location of a facility ~~an underground utility~~ is caused by
6 conditions beyond the reasonable control of such underground
7 utility facility owner or operator.

8 For the purposes of this Section, beyond the reasonable
9 control includes, but is not limited to, notice volumes or dig
10 site notification areas that exceed historic averages, by more
11 than 15% as calculated using the reasonable control
12 measurement, for a particular place or places, severe weather,
13 unforeseen mechanical issues, or site conditions. It is the
14 responsibility of the underground utility facility owners or
15 operators to demonstrate the condition is beyond their
16 reasonable control.

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

22 (h) Any entity that ~~person who~~ is neither an agent,
23 employee, or authorized locating contractor of the underground
24 utility facility owner or operator ~~of the underground utility~~
25 ~~facility~~ nor an excavator involved in the excavation or
26 demolition activity that ~~who~~ removes, alters, or otherwise

1 damages markings, flags, lathe with color ribbon, chalk,
2 whiskers, or paint ~~or stakes~~ used to mark the location of
3 facilities ~~an underground utility~~ other than during the course
4 of the excavation or demolition for which the markings were
5 made or before completion of the project shall be subject to a
6 penalty up to \$1,000 for each separate offense.

7 (i) (Blank).

8 (j) The Illinois Commerce Commission shall have the power
9 and jurisdiction to, and shall, enforce the provisions of this
10 Act. The Illinois Commerce Commission may impose
11 administrative penalties as provided in this Section. The
12 Illinois Commerce Commission may promulgate rules and develop
13 enforcement policies in the manner provided by the Public
14 Utilities Act 83 Ill. Adm. Code 265, in order to implement
15 compliance with this Act. When a penalty is warranted, the
16 following criteria shall be used in determining the magnitude
17 of the penalty:

18 (1) gravity of noncompliance;

19 (2) culpability of offender;

20 (3) history of noncompliance for the 18 months prior
21 to the date of the incident; however, when determining
22 noncompliance ~~non-compliance~~ the alleged violator's roles
23 as underground utility facility operator or owner and the
24 excavator ~~person engaged in excavating~~ shall be treated
25 separately;

26 (4) (blank); ~~ability to pay penalty;~~

1 (5) show of good faith of offender;

2 (6) (blank); and ~~ability to continue business; and~~

3 (7) other special circumstances.

4 (k) There is hereby created in the State treasury a
5 special fund to be known as the Illinois Underground Utility
6 Facilities Damage Prevention Fund. All penalties recovered by
7 the Illinois Commerce Commission in any action under this
8 Section shall be paid into the Fund and shall be distributed
9 annually as a grant to JULIE ~~the State Wide One Call Notice~~
10 ~~System~~ to be used in safety and informational programs to
11 reduce the number of incidents of damage to ~~underground~~
12 ~~utility~~ facilities in Illinois. The distribution shall be made
13 during January of each calendar year based on the balance in
14 the Illinois Underground Utility Facilities Damage Prevention
15 Fund as of December 31 of the previous calendar year. In all
16 such actions under this Section, the procedure and rules of
17 evidence shall conform with the Code of Civil Procedure, and
18 with rules of courts governing civil trials.

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

26 The members of the Advisory Committee shall be immune,

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

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

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

13 (220 ILCS 50/11.3)

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

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

1 (220 ILCS 50/11.5)

2 Sec. 11.5. Limitation on liability.

3 (a) In joining JULIE ~~the State Wide One Call Notice~~
4 ~~System~~, a municipality's liability, under any membership
5 agreement rules and regulations, for the indemnification of
6 (i) the entity that is in charge of or managing JULIE ~~the~~
7 ~~System~~ or any officer, agent, or employee of JULIE ~~that entity~~
8 or (ii) an underground utility facility owner or operator of
9 JULIE ~~a member of the System~~ or any officer, agent, or employee
10 of an underground utility facility owner or operator of JULIE
11 ~~a member of the System~~ shall be limited to claims arising as a
12 result of the acts or omissions of the municipality or its
13 officers, agents, or employees or arising out of the
14 operations of the municipality's ~~underground~~ utility
15 facilities.

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

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

24 (220 ILCS 50/12) (from Ch. 111 2/3, par. 1612)

25 Sec. 12. Noncompliance and enforcement action time frames.

1 No action may be brought by the Illinois Commerce Commission
2 under Section 11 of this Act unless commenced within 2 years
3 after the date of the alleged violation of this Act. The
4 Illinois Commerce Commission shall take no action on an
5 alleged violation unless reported by the excavator or the
6 underground utility facility owner or operator that is a party
7 to the alleged violation. The Illinois Commerce Commission
8 shall provide notice of investigation to the parties involved
9 in the alleged violation report within 10 days of the receipt
10 of the alleged violation report. In accordance with subsection
11 (d) of 83 Ill. Adm. Code 265.100, reports shall be submitted no
12 later than 45 days after the discovery of the alleged
13 violation. In any case, the report shall not be accepted more
14 than 2 years from the suspected date of the alleged violation.
15 Reports filed after the 45-day requirement shall be considered
16 invalid and no action will be taken by the Illinois Commerce
17 Commission.

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

19 (220 ILCS 50/13) (from Ch. 111 2/3, par. 1613)

20 Sec. 13. Mandamus or injunction. Where public safety or
21 the preservation of uninterrupted, necessary facilities
22 ~~utility service or community antenna television system service~~
23 is endangered by any excavator ~~person engaging in excavation~~
24 ~~or demolition~~ in a negligent or unsafe manner which has
25 resulted in or is likely to result in damage to ~~underground~~

1 ~~utility facilities or CATS~~ facilities or proposing to use
2 procedures for excavation or demolition which are likely to
3 result in damage to ~~underground utility facilities or CATS~~
4 facilities, or where the underground utility facility owner or
5 operator ~~of underground utility facilities or CATS facilities~~
6 endangers an excavator by willfully failing to respond to a
7 notice locate request, the underground utility facility owner
8 or operator ~~of such facilities~~ or the excavator or the State's
9 Attorney or the Illinois Commerce Commission at the request of
10 the underground utility facility owner or operator ~~of such~~
11 ~~facilities~~ or the excavator may commence an action in the
12 circuit court for the county in which the excavation or
13 demolition is occurring or is to occur, or in which the person
14 or entity complained of has its ~~his~~ principal place of
15 business or resides, for the purpose of having such negligent
16 or unsafe excavation or demolition stopped and prevented or to
17 compel the marking of ~~underground utilities facilities or CATS~~
18 facilities, either by mandamus or injunction.

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

20 (220 ILCS 50/14) (from Ch. 111 2/3, par. 1614)

21 Sec. 14. Home rule. The regulation of ~~underground utility~~
22 ~~facilities and CATS~~ facilities damage prevention, as provided
23 for in this Act, is an exclusive power and function of the
24 State. A home rule unit may not regulate ~~underground utility~~
25 ~~facilities and CATS~~ facilities damage prevention, as provided

1 for in this Act. All units of local government, including home
2 rule units ~~that are not municipalities of more than 1,000,000~~
3 ~~persons~~, must comply with the provisions of this Act. To this
4 extent, this Section is a denial and limitation of home rule
5 powers and functions under subsection (h) of Section 6 of
6 Article VII of the Illinois Constitution. A home rule
7 municipality of more than 1,000,000 persons that operates its
8 own One-Call Notice System may regulate ~~underground utility~~
9 ~~facilities and CATS~~ facilities damage prevention.

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

11 (220 ILCS 50/2.1 rep.)

12 (220 ILCS 50/2.1.3 rep.)

13 (220 ILCS 50/2.1.4 rep.)

14 (220 ILCS 50/2.1.5 rep.)

15 (220 ILCS 50/2.1.6 rep.)

16 (220 ILCS 50/2.1.9 rep.)

17 (220 ILCS 50/2.1.10 rep.)

18 (220 ILCS 50/2.2 rep.)

19 (220 ILCS 50/2.3 rep.)

20 (220 ILCS 50/2.4 rep.)

21 (220 ILCS 50/2.5 rep.)

22 (220 ILCS 50/2.6 rep.)

23 (220 ILCS 50/2.7 rep.)

24 (220 ILCS 50/2.8 rep.)

25 (220 ILCS 50/2.9 rep.)

1 (220 ILCS 50/2.10 rep.)

2 (220 ILCS 50/2.11 rep.)

3 (220 ILCS 50/5 rep.)

4 Section 10. The Illinois Underground Utility Facilities
5 Damage Prevention Act is amended by repealing Sections 2.1,
6 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,
7 2.6, 2.7, 2.8, 2.9, 2.10, 2.11, and 5.

8 Section 99. Effective date. This Act takes effect upon
9 becoming law.

1 INDEX

2 Statutes amended in order of appearance

3	220 ILCS 50/1	from Ch. 111 2/3, par. 1601
4	220 ILCS 50/2	from Ch. 111 2/3, par. 1602
5	220 ILCS 50/3	from Ch. 111 2/3, par. 1603
6	220 ILCS 50/4	from Ch. 111 2/3, par. 1604
7	220 ILCS 50/4.1 new	
8	220 ILCS 50/5.1 new	
9	220 ILCS 50/5.2 new	
10	220 ILCS 50/5.3 new	
11	220 ILCS 50/5.4 new	
12	220 ILCS 50/6	from Ch. 111 2/3, par. 1606
13	220 ILCS 50/7	from Ch. 111 2/3, par. 1607
14	220 ILCS 50/7.5 new	
15	220 ILCS 50/8	from Ch. 111 2/3, par. 1608
16	220 ILCS 50/9	from Ch. 111 2/3, par. 1609
17	220 ILCS 50/10	from Ch. 111 2/3, par. 1610
18	220 ILCS 50/11	from Ch. 111 2/3, par. 1611
19	220 ILCS 50/11.3	
20	220 ILCS 50/11.5	
21	220 ILCS 50/12	from Ch. 111 2/3, par. 1612
22	220 ILCS 50/13	from Ch. 111 2/3, par. 1613
23	220 ILCS 50/14	from Ch. 111 2/3, par. 1614
24	220 ILCS 50/2.1 rep.	
25	220 ILCS 50/2.1.3 rep.	

- 1 220 ILCS 50/2.1.4 rep.
- 2 220 ILCS 50/2.1.5 rep.
- 3 220 ILCS 50/2.1.6 rep.
- 4 220 ILCS 50/2.1.9 rep.
- 5 220 ILCS 50/2.1.10 rep.
- 6 220 ILCS 50/2.2 rep.
- 7 220 ILCS 50/2.3 rep.
- 8 220 ILCS 50/2.4 rep.
- 9 220 ILCS 50/2.5 rep.
- 10 220 ILCS 50/2.6 rep.
- 11 220 ILCS 50/2.7 rep.
- 12 220 ILCS 50/2.8 rep.
- 13 220 ILCS 50/2.9 rep.
- 14 220 ILCS 50/2.10 rep.
- 15 220 ILCS 50/2.11 rep.
- 16 220 ILCS 50/5 rep.