

IN A TIMELY MANNER IF THE OWNER ELECTS TO PERFORM A PROPOSED EXCAVATION ITSELF; AND

(IX) NOTIFY THE CONTRACTOR WITHIN ~~2 WORKING DAYS~~ 48 HOURS (EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS) OF NOTIFICATION REQUIRED BY SUBSECTION (E) OF THIS SECTION THAT MARKING IS UNNECESSARY IF:

1. THE OWNER DOES NOT HAVE AN UNDERGROUND FACILITY AT THE LOCATION STATED IN THE NOTICE; ~~OR~~

2. THE PROPOSED EXCAVATION IS NOT PLANNED WITHIN 5 FEET OF THE HORIZONTAL PLANE OF AN UNDERGROUND FACILITY; OR

3. THE PROPOSED EXCAVATION, BY BLASTING, IS NOT PLANNED IN SUCH PROXIMITY TO THE UNDERGROUND FACILITY THAT THE FACILITY MAY BE DISTURBED OR DAMAGED.

~~(3) THIS SUBSECTION MAY NOT BE CONSTRUED TO REQUIRE A POLITICAL SUBDIVISION OR MUNICIPALITY TO SUBMIT UNDERGROUND FACILITY PLANS OR RECORDS TO A ONE CALL SYSTEM IN ANY GREATER DETAIL THAN EXISTING PLANS OR RECORDS.~~

~~(2) A PERSON WHO VIOLATES A PROVISION OF PARAGRAPH (1)(II) OF THIS SUBSECTION IS SUBJECT TO A FINE NOT EXCEEDING \$1,000.~~

{(d) Obtaining information as required by this section does not excuse any person ~~OR CONTRACTOR~~ making any excavation from doing so in a careful and prudent manner, nor shall it excuse any person OR CONTRACTOR from liability for any damage or injury resulting from the excavation.}

~~(D)~~ (E) EACH PERSON OR CONTRACTOR WHO INTENDS TO PERFORM EXCAVATION WORK IN THE STATE SHALL:

(1) TELEPHONE THE PERSON IDENTIFIED IN SUBSECTION (C)~~(4)~~ OF THIS SECTION, AND NOTIFY THAT PERSON OF THE INTENT TO PERFORM THE PROPOSED EXCAVATION AT LEAST 2 48 HOURS (EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS), BUT NOT MORE THAN ~~30~~ 10, WORKING DAYS BEFORE STARTING EXCAVATION;

(2) REPEAT THE NOTIFICATION REQUIRED IN PARAGRAPH (1) OF THIS SUBSECTION IF:

(I) THE EXCAVATION HAS NOT COMMENCED WITHIN ~~30~~ 10 WORKING DAYS; OR

(II) THE EXCAVATION WILL BE EXPANDED BEYOND ITS ORIGINAL LOCATION;

(3) EXERCISE DUE CARE TO AVOID INTERFERENCE WITH OR DAMAGE TO AN UNDERGROUND FACILITY THAT AN OWNER HAS