

3. The proposed excavation, by blasting, is not planned in such proximity to the underground facility that the facility may be disturbed or damaged.

(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.

(e) Each person or contractor who intends to perform excavation work in the State shall:

(1) Telephone the person identified in subsection (c) of this section, and notify that person of the intent to perform the proposed excavation at least 48 hours (excluding Saturdays, Sundays, and legal holidays) but not more than 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 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 marked in accordance with subsection (c) of this section; and

(4) Immediately notify the owner of an underground facility if the contractor discovers or causes any disturbance or damage to that underground facility.

(f) A person or contractor may not begin excavation prior to the marking required by this section or notification by each owner, or by the one-call system, that marking is unnecessary.

(g) In the event of any damage to or dislocation or disturbance of any underground facility in connection with any excavation, the person or contractor responsible for the excavation operations shall immediately notify the owner of the facility.

(h) If any underground facility is damaged by any person or contractor who has failed to comply with any provision of this section, that person or contractor shall be deemed negligent and shall be liable to the owner of the underground facility for the total cost of the repair.

(i) Any person or contractor who excavates without first giving the notice required in subsection (e) of this section, and who damages, dislocates or disturbs an underground facility, shall be deemed negligent and shall be subject to a civil penalty up to \$1,000 for the first offense and \$1,000 for each subsequent offense, or ten times the cost of repairing the damage to the underground facility. Actions to recover the civil penalties provided for in this section shall be brought either by the owner whose underground facilities were damaged or by the Attorney General in the name of the