

(ii) transmission or conveyance of electronic, telephonic, or telegraphic communications or electricity.

(2) "Underground facility" includes pipes, sewers, conduits, cables, valves, lines, wires, manholes, attachments, and those portions of poles below ground.

(3) "Underground facility" does not include a stormwater drain.

12-104.

(a) [A] EXCEPT AS PROVIDED IN SUBSECTIONS (B) AND (C) OF THIS SECTION, A person that obtains the information required under this subtitle is not excused from:

(1) performing an excavation or demolition in a careful and prudent manner; and

(2) liability for damages or injury that results from the excavation or demolition.

(b) If an underground facility is damaged by a person that fails to comply with this subtitle, the person is deemed negligent and is liable to the owner for the total cost of repair of the underground facility, UNLESS THE OWNER HAS FAILED TO BECOME AN OWNER-MEMBER IN ACCORDANCE WITH § 12-109 (B) OF THIS SUBTITLE.

(C) IF AN UNDERGROUND FACILITY IS DAMAGED BY A PERSON WHO IS IN COMPLIANCE WITH THIS SUBTITLE AND THE OWNER HAS FAILED TO COMPLY WITH THIS SUBTITLE:

(1) THE PERSON IS NOT LIABLE TO THE OWNER FOR THE COST OF REPAIR OF THE UNDERGROUND FACILITY; AND

(2) THE OWNER IS LIABLE FOR ANY REPAIRS OR RESTORATION OF PROPERTY DAMAGED BY THE EXCAVATION OR DEMOLITION.

12-109.

(a) Each owner shall file notice with and submit to the Commission in writing the telephone number of the person in each county to which calls concerning proposed excavations or demolitions are to be directed.

(b) Each owner shall be a member of a one-call system that has filed a telephone number with the Commission on behalf of all owner-members.

(c) Excluding Saturdays, Sundays, and legal holidays, within 48 hours after receiving notice from a person under § 12-108 of this subtitle, an owner shall determine if a proposed excavation or demolition:

(1) is within 5 feet of the horizontal plane of an underground facility; or

(2) because of planned blasting, is in such proximity to an underground facility that the underground facility may be damaged or disturbed.