

# State of Wisconsin



2005 Senate Bill 498

Date of enactment: **May 19, 2006**  
Date of publication\*: **June 2, 2006**

## 2005 WISCONSIN ACT 425

AN ACT *to amend* 182.0175 (2m) (a) 2. and 182.0175 (2m) (b) (intro.); and *to create* 182.0175 (1) (bt), 182.0175 (2m) (bm) and 182.0715 (2r) of the statutes; **relating to:** excavation notices and installation of certain water and sewer laterals.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

**SECTION 1.** 182.0175 (1) (bt) of the statutes is created to read:

182.0175 (1) (bt) "Local governmental unit" means a political subdivision of this state, a special purpose district in this state, an instrumentality or corporation of such a political subdivision or special purpose district, a combination or subunit of any of the foregoing or an instrumentality of the state and any of the foregoing.

**SECTION 2.** 182.0175 (2m) (a) 2. of the statutes is amended to read:

182.0175 (2m) (a) 2. Respond to an excavation notice within 3 working days by marking the location of transmission facilities and, if applicable, laterals as provided under par. (b) in the area described in the excavation notice.

**SECTION 3.** 182.0175 (2m) (b) (intro.) of the statutes is amended to read:

182.0175 (2m) (b) *Facilities marking.* (intro.) A person owning transmission facilities, upon receipt of an excavation notice, shall mark in a reasonable manner the locations of transmission facilities at the area described in the notice to enable the excavator to locate the transmission facilities without endangering the security of the facilities or the public. Except as provided in par. (bm),

if the person is a local governmental unit and if the excavation notice relates to sewer or water facilities owned by the local governmental unit, the local governmental unit shall also mark the locations within the public right-of-way of all laterals connected to the sewer or water facilities at the area described in the notice. The marking of facilities shall be completed within 3 working days after receipt of the notice, or if notice is given more than 10 days before excavation is scheduled to begin, marking shall be completed at least 3 working days before excavation is scheduled to begin. If the approximate location of a transmission facility is marked with paint, flags, stakes or other physical means, the following color coding of lines, cables or conduits shall comply with the uniform color code adopted by the American National Standards Institute:

**SECTION 4.** 182.0175 (2m) (bm) of the statutes is created to read:

182.0175 (2m) (bm) A local governmental unit is considered to have satisfied the requirement under par. (b) to mark the locations within the public right-of-way of all laterals connected to sewer or water facilities if the local governmental unit makes available to an excavator, for inspection and making copies, information on the location of such laterals as shown on maps, drawings, diagrams, or other records, that are readily available. If a local governmental unit has no such readily available

\* Section 991.11, WISCONSIN STATUTES 2003-04 : Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

information regarding such laterals and the local governmental unit provides the excavator with a written notice that the local governmental unit has no such readily available information, the local governmental unit is considered to have satisfied the requirement under par. (b) to mark the locations within the public right-of-way of all laterals connected to the sewer or water facilities.

**SECTION 5.** 182.0715 (2r) of the statutes is created to read:

182.0715 (2r) FACILITIES INSTALLED AFTER DECEMBER 31, 2006. Any person who, after December 31, 2006, installs a nonconductive water or sewer lateral shall also install a locating wire or other equally effective means for

marking the location of the lateral. The requirement shall not apply to minor repairs to, or partial replacements of, laterals installed before January 1, 2007.

**SECTION 6. Initial applicability.**

(1) The treatment of section 182.0175 (2m) (b) (intro.) and (bm) of the statutes first applies, with respect to excavation notices relating to trenchless boring, to excavation notices that are received on the first day of the 2nd month beginning after the effective date of this subsection and first applies, with respect to all other excavation notices, to excavation notices that are received on the first day of the 36th month beginning after the effective date of this subsection.

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