

# SENATE ENROLLED ACT 125 (2018)

## INDIANA UTILITY REGULATORY COMMISSION (IURC)

This handout summarizes the changes to Indiana Code regarding the new responsibilities and requirements for certain underground utility excavators and underground facility operators, as implemented through Senate Enrolled Act (SEA) 125. The bill was signed into law by Governor Eric J. Holcomb on March 15, 2018, and will become effective as Indiana Code chapter 8-1-26.5 on **July 1, 2018**.

### CONTRACTOR RESPONSIBILITIES

Any contractor that is required to register with the Indiana Secretary of State's (SOS) office (i.e. a "filing entity") must include a signed statement saying that the entity and its employees will comply with Indiana's "Call Before You Dig" law (Indiana Code chapter 8-1-26).

Contractors already registered with the SOS may write the required statement on a business entity report if the report is due. Business entity reports may only be filed biennially and within 90 days of the due date. Otherwise, please submit the statement as a misc. filing with a \$30 filing fee to the SOS office. The statement must be signed by, or on behalf of, a person authorized to sign the filing under Indiana Code § 23-0.5-2-1.

Contractors who have not yet registered with the SOS must include the signed statement as an attachment with the registration documents when filing online or by paper. The statement must be signed by, or on behalf of, a person authorized to sign the filing under Indiana Code § 23-0.5-2-1.

Any contractor that is a **filing entity** and entering into a contract with a communications service provider or utility to excavate or engage in demolitions must provide documentation to the communications service provider or utility that they are registered with the SOS office and have signed the compliance statement, by providing certified copies\* from the SOS.

The IURC may refer out-of-state contractors that fail to register with the SOS office when required and that violate the "Call Before You Dig" law to the Indiana Office of Attorney General for a civil penalty up to \$10,000.

### OPERATOR RESPONSIBILITIES

Utilities and communications service providers must ensure they receive proof from excavators that they are registered with the Indiana Secretary of State's (SOS) office (if required) and have signed the required compliance statement.

Upon request of the IURC or the IURC's Pipeline Safety Division, utilities and communications service providers must provide the requestor (either the IURC or the Pipeline Safety Division) a list of their contractors operating in Indiana. The request can be made only once per calendar year, unless the request is related to an investigation under the "Call Before You Dig" law.

What is a

### FILING ENTITY?

- A "filing entity" means a business corporation, a nonprofit corporation, a limited liability partnership, a limited partnership, or a limited liability company. (*see Indiana Code § 23-0.5-1.5-11*)
- Filing entities are required by law to be registered with the Indiana Secretary of State before conducting business in Indiana.

**Sample statement:** (Company) and its employees will comply with Ind. Code chapter 8-1-26.

To file the form or if you have any questions, please contact the Office of the Indiana Secretary of State:  
302 W. Washington Street, Room E-018, Indianapolis IN 46204 | 317-234-9768 | INBiz.in.gov.

\*Certified copies are available free of charge at INBiz.in.gov.