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## Law Comparison Chart

This law comparison chart provides a summary of updated and new law sections, showing current and new language and the relevant reference number from the South Carolina Underground Damage Prevention Act.

|   |   |
|---|---|
|  <b>New</b>  | Items not addressed in the current version. |
|  <b>Edit</b> | Indicates edits to existing language.       |



Law Comparison Chart




**Please Read Below**

***This document is intended as an informal comparison chart to the South Carolina Underground Facility Damage Prevention Act (HB 3571). It is not an official copy of the statute, and while care has been taken to ensure accuracy, it may contain errors, omissions, or outdated information. Users must consult the official, enacted version of the South Carolina Code of Laws and any regulations or agency guidance for legally binding requirements. Nothing in this document should be interpreted as legal advice.***

***For full legal text and official details, please visit our Law Page on [SC811.com](http://SC811.com)***



Law Comparison Chart

| Definitions (Section 58-36-20)  |                          |  |   |                          |
|---|--------------------------|--|---|--------------------------|
| Type (New or Edit)  | Description              | Current Language (Effective through May 21, 2026)  | New Language (Effective May 22, 2026)   | Reference Number         |
|    | <b>Commencement Date</b> | Not Previously Included  | The date that an excavator provides to the notification center of the excavator’s intent to begin the excavation or demolition for which notice is being given.   | Section 58-36-20 (4)     |
|    | <b>Emergency</b>         | A sudden or unforeseen event involving a clear and imminent danger to life, health, or property; the interruption of essential utility services; or the blockage of transportation facilities including highway, rail, water, and air, which require immediate action.   | A sudden or unforeseen event involving a clear and imminent danger to life, health, or property; the interruption of essential <b>existing</b> utility services; or the blockage of transportation facilities, including highway, rail, water and air, which requires immediate action.   | Section 58-36-20 (9)     |
|  | <b>Excavate</b>          | An operation for the purpose of the movement or removal of earth, rock, or other materials in or on the ground by use of mechanized equipment or by discharge of explosives and including augering, backfilling, digging, ditching, drilling, well drilling, grading, plowing-in, pulling-in, ripping, scraping, trenching, and tunneling. | An operation for the purpose of the <b>displacement</b> , movement, or removal of soil, earth, rock, or other materials in or on the ground by use of <b>hand digging</b> , mechanized equipment, or by discharge of explosives. This includes, but is not limited to, augering, <b>blasting</b> , <b>boring</b> , backfilling, digging, ditching, <b>drilling to include directional, horizontal, and vertical, driving</b> , grading, <b>marine construction, partial- and full-depth patching, piling</b> , plowing- in, pulling-in, ripping, scraping, <b>soft digging, spudding, staking</b> , trenching, and tunneling. | Section 58-36-20 (10)(A) |





Law Comparison Chart

**Definitions (Section 58-36-20)**

| Type (New or Edit) | Description  | Current Language (Effective through May 21, 2026) | New Language (Effective May 22, 2026)   | Reference Number         |
|--------------------|--|---|---|--------------------------|
| <b>NEW</b>         | <b>Large Project</b>                                 | Not Previously Included                           | Involves more work to locate underground than can reasonably be completed within the requirements of Section 58-36-70.                          | Section 58-36-20 (14)(A) |
| <b>NEW</b>         | <b>Large Project Facility Notification Agreement</b> | Not Previously Included                           | An agreement between the excavators, locators, and facility owners involved in a large project that meets the requirements in Section 58-36-75. | Section 58-36-20 (15)    |
| <b>NEW</b>         | <b>Notice</b>  | Not Previously Included                           | The provision by an excavator of information to the notification center as required by Section 58-36-60(A).                                     | Section 58-36-20 (19)    |






### Definitions (Section 58-36-20)

|   |                     |  |  |                       |
|---|---------------------|--|--|-----------------------|
|   | <b>Operator</b>     | <p>Any person, public utility, communications and cable service provider, municipality, electrical utility, electric and telephone cooperatives, and the South Carolina Public Service Authority defined in Titles 5, 6, 33, and 58, Code of Laws of South Carolina, 1976, who owns or operates a facility for commercial purposes in the State of South Carolina.</p> | <p>Any person, public utility, communications and cable service provider, <b>provider of interactive fiber</b>, municipality, electrical utility, electric and telephone cooperatives, and the South Carolina Public Service Authority as defined in Titles 5, 6, 33, and 58, of the S.C. Code of Laws, who owns or operates a facility for commercial purposes in the State of South Carolina.<br/> <b>The term “operator” includes entities that own, maintain, or operate a facility that is used to provide utility service to third parties for commercial or multi-family residential purposes, even where no separate charge is imposed for such utility service.</b></p> | Section 58-36-20 (21) |
|  | <b>Pre- Marking</b> | Not Previously Included  | <p>Identifying the proposed excavation or demolition site by using APWA uniform color code rules for the proposed excavation. This includes, but is not limited to, utilization of white paint, flags, whiskers, stakes, digital or virtual drawings, prints, and other elements identifying the proposed excavation visually. If the locate notice indicates the existence of pre-marks, the location of those marks must be described on the notice.</p>   | Section 58-36-20 (24) |





Law Comparison Chart

| <b>Definitions (Section 58-36-20)</b>   |                          |  |  |                         |
|---|--------------------------|--|--|-------------------------|
| <b>Type<br/>(New or<br/>Edit)</b>   | <b>Description</b>       | <b>Current Language<br/>(Effective through May 21, 2026)</b> | <b>New Language (Effective May 22, 2026)</b>   | <b>Reference Number</b> |
|    | <b>Private Facility</b>  | Not Previously Included                                      | A facility owned and operated by a person or entity that is not an operator.   | Section 58-36-20 (25)   |
|   | <b>Project Initiator</b> | Not Previously Included                                      | The person or entity that causes a large project to be initiated. The project initiator for large projects for highway infrastructure shall be the South Carolina Department of Transportation; the project initiator for large projects for development shall be the development owner; and the project initiator for a utility infrastructure project shall be the utility infrastructure project owner. | Section 58-36-20 (26)   |
|  | <b>Soft Digging</b>      | Not Previously Included                                      | Using tools or equipment that utilizes air or water pressure as the direct means to break up soil or earth for removal by vacuum excavation.   | Section 58-36-20 (27)   |



Law Comparison Chart

**Activities Not Defined as Excavation (Section 58-36-20)**

| Type (New or Edit)  | Description  | Current Language (Effective through May 21, 2026)  | New Language (Effective May 22, 2026)   | Reference Number                        |
|---|--|--|---|---|
|    | <b>Owner of a Single-Family Residential Property</b> | On his own land when the excavation (a) does not encroach on any operator's known right-of-way, easement, or permitted use; (b) is performed with nonmechanized equipment; and (c) is less than 10 inches in depth.  | On their own land when the excavation (a) does not encroach on any operator's known right-of-way, easement, or permitted use; (b) is performed with nonmechanized equipment; and (c) <b>is less than 12 inches in depth.</b>                        | Section 58-36-20 (10)(B)(1) (A, B, & C) |
|  | <b>Operator or Agent of an Operator</b>              | For excavation with nonmechanized equipment by an operator or an agent of an operator for the following purposes: (a) locating for valid notification request, or for the minor repair, connecting or routine maintenance of an existing facility; or (b) underground probing to determine the extent of gas or water migration. | Activity by an operator or an agent of an operator with nonmechanized equipment for the following purposes: (a) locating for a valid notification request; or (b) for the minor repair, connecting, or routine maintenance of an existing facility. | Section 58-36-20 (10)(B)(3) (A&B)       |



Law Comparison Chart

**Activities Not Defined as Excavation (Section 58-36-20)**

| Type (New or Edit) | Description                    | Current Language (Effective through May 21, 2026)   | New Language (Effective May 22, 2026)  | Reference Number            |
|--------------------|--------------------------------|---|--|-----------------------------|
|                    | Road Right-of- Way Maintenance | When the Department of Transportation, a local government, special purpose district, or public service district is carrying out maintenance activities within its designated right-of-way, which may include resurfacing, milling, emergency replacement of signs critical for maintaining safety, or reshaping of shoulder ditches to the original road profile. | Road and right-of-way maintenance activities by a governmental entity responsible for the maintenance of those roads and rights-of-way, within the designated right-of-way of such entity, including resurfacing, milling, or emergency replacement of signs critical for maintaining safety, and the reshaping of shoulders and ditches to the original road profile; provided, <b>however, this subsection shall not apply to contractors or subcontractors acting on behalf of an entity pursuant to this subsection, unless such contractor or subcontractor is performing a repair related to a gubernatorial declared emergency or an emergency declared by the Secretary of Transportation.</b> | Section 58-36-20 (10)(B)(4) |

**Utility Work in Public Areas (Section 58-36-30)**

| Type (New or Edit) | Description  | Current Language (Effective through May 21, 2026) | New Language (Effective May 22, 2026)  | Reference Number    |
|--------------------|--|---|--|---------------------|
|                    | Clarifies that Municipalities may Regulate Work in Public Spaces | Not Previously Included                           | Nothing in this chapter shall supersede or preempt any ordinance enacted by a municipality that purports to regulate the permitting and inspection of utility work being conducted within the public right-of-way. | Section 58-36-30(B) |



Law Comparison Chart



**Notification Center Responsibilities Regarding Enforcement (Section 58-36-50)**

| Type<br>(New or Edit) | Description  | Current Language<br>(Effective through May 21, 2026) | New Language (Effective May 22, 2026)   | Reference Number           |
|-----------------------|--|--|---|----------------------------|
| <b>NEW</b>            | <b>Receiving Complaints</b>  | Not Previously Included                              | The notification center must receive complaints forwarded from the Attorney General’s Office pursuant to Section 58-36-120.   | Section 58-36-50 (L)(4)    |
| <b>NEW</b>            | <b>Reviewing Complaints</b>  | Not Previously Included                              | The notification center must review notification center records for information relating to such complaints.  | Section 58-36-50 (L)(4)(a) |
| <b>NEW</b>            | <b>Gathering Information for Complaints</b>                                    | Not Previously Included                              | The notification center must contact and obtain information from parties involved in the events giving rise to such complaints.   | Section 58-36-50 (L)(4)(b) |
| <b>NEW</b>            | <b>Investigate Complaints</b>  | Not Previously Included                              | The notification center must investigate and mediate complaints within six months from receipt of the referral from the Attorney General’s Office; however, the notification center may request that the Attorney General grant an extension of no more than six additional months. | Section 58-36-50 (L)(5)    |
| <b>NEW</b>            | <b>Submitting Recommendations to the Attorney General Regarding Complaints</b> | Not Previously Included                              | The notification center must submit a recommendation to the Attorney General after mediation with terms for the resolution of such complaints and all documents and records in connection with the case.  | Section 58-36-50 (L)(6)    |



Law Comparison Chart




**Notification Center Responsibilities Regarding Enforcement (Section 58-36-50)**

| Type (New or Edit)  | Description   | Current Language<br><i>(Effective through May 21, 2026)</i> | New Language <i>(Effective May 22, 2026)</i>  | Reference Number        |
|---|---|---|---|-------------------------|
|  | <b>Supports the Attorney General's Office with Investigating Violations</b> | Not Previously Included                                     | The notification center must provide any other assistance that the Attorney General may request in regards to the investigation and resolution of actions in violation of this chapter. | Section 58-36-50 (L)(7) |
|  | <b>South Carolina 811 is Not a Public Entity</b>                            | Not Previously Included                                     | The notification center is not a public body pursuant to Section 30-4-20(a).  | Section 58-36-50 (M)    |





Law Comparison Chart

**Responsibilities of Excavator (Section 58-36-50)**



| Type (New or Edit)  | Description   | Current Language (Effective through May 21, 2026)  | New Language (Effective May 22, 2026)   | Reference Number        |
|---|---|--|---|-------------------------|
|    | <b>Specifies Ticket Entry Date is Excluded When Calculating Commencement Date</b> | Notice for any excavation or demolition that does not involve a subaqueous facility must be given within three to twelve working days before the proposed commencement date of the excavation or demolition. Notice for any excavation or demolition in the vicinity of a subaqueous facility must be made within ten to twenty full working days before the proposed commencement date of the excavation or demolition. | Notice for any excavation or demolition that does not involve a subaqueous facility must be given within three to twelve full working days, <b>not including the day upon which the notice is given</b> , before the proposed commencement date of the excavation or demolition. Notice for any excavation or demolition in the vicinity of a subaqueous facility must be made within ten to twenty full working days, <b>not including the day upon which notice is given</b> , before the proposed commencement date of the excavation or demolition. | Section 58-36-60 (A)(1) |
|    | <b>Subcontractor May Rely on General Contractor's Notice if Named</b>             | Not Previously Included  | A subcontractor may rely on a general contractor's notice to the notification center if the notice specifically references the subcontractor by name.   | Section 58-36-60 (A)(2) |
|  | <b>Defines Process for Providing Ticket Numbers</b>                               | Not Previously Included  | The notification number, as assigned by the notification center and provided to the excavator pursuant to this section, must be provided by the notification center to an operator or an agent working on the operator's behalf, if requested, by physical or digital means.  | Section 58-36-60 (A)(3) |



### Responsibilities of Excavator (Section 58-36-50)



| Type<br>(New<br>or Edit)  | Description  | Current Language<br>(Effective through May 21, 2026) | New Language (Effective May 22, 2026)  | Reference Number     |
|---|--|--|--|----------------------|
|    | <b>Updating Locate Notice Does Not Require Operators to Remark Utilities</b> | Not Previously Included                              | This subsequent notice only extends the commencement date and does not require operators to re-mark facilities unless otherwise required pursuant to subsection (F)(7).  | Section 58-36-60 (B) |
|  | <b>Limits of Routine Tickets</b>   | Not Previously Included                              | For projects that do not meet the requirements of large projects as defined in Section 58-36-20(14), a notice must not cover an area greater than one linear mile. Notice for projects less than one linear mile but greater than one quarter mile must be reduced to sections not greater than one quarter mile or five adjoining addresses, whichever is less, for purposes of transmitting notice to operators. Notice for projects that do qualify as large projects must be provided as required by Section 58-36-75. | Section 58-36-60 (E) |



| Responsibilities of Excavator (Section 58-36-50)                                    |   |   |   |                            |
|---|---|---|---|----------------------------|
| Type (New or Edit)  | Description   | Current Language (Effective through May 21, 2026)   | New Language (Effective May 22, 2026)   | Reference Number           |
|    | <b>Expands Visible Indicators to Include Aerial Transition to Underground</b> | An operator's failure to respond to the positive response system does not prohibit the excavator from proceeding, provided there are not visible indications of a facility, such as a pole, marker, pedestal, or valve at the proposed excavation site. | An operator's failure to respond to the positive response system does not prohibit the excavator from proceeding, provided there are no visible indications of a facility, such as a pole where an <b>aerial facility transitions to underground</b> , marker, pedestal, or valve at the proposed excavation or demolition site.  | Section 58-36-60 (F)(6)(a) |
|  | <b>Addresses Repeated Operator No Shows</b>                                   | Not Previously Included   | If the three-hour notice is made pursuant to subitem (a) and an operator failed to give a positive response within the timeframe required in this section and the excavator has fully complied with this section, the excavator shall not be deemed liable for any damages to an underground facility that would have been located if the operator had complied with its duties as an operator. This item shall not apply to any underground facility used to transport gas or hazardous liquid subject to the federal pipeline safety law. | Section 58-36-60 (F)(6)(b) |







### Responsibilities of Excavator (Section 58-36-50)

| Type (New or Edit)  | Description  | Current Language<br><i>(Effective through May 21, 2026)</i>   | New Language <i>(Effective May 22, 2026)</i>   | Reference Number               |
|---|--|---|--|--------------------------------|
|  | <b>Clarifies Above/Below Tolerance Zone; Replaces “Non-Invasive” with “Soft Digging”</b> | An excavator may not perform any excavation or demolition in the tolerance zone unless the following conditions are met: (a) no use of mechanized equipment except non-invasive equipment specifically designed or intended to protect the integrity of the facility, within the marked tolerance zone of an existing facility. | An excavator may not perform any excavation or demolition within the tolerance zone, <b>including work done in the tolerance zone below or above an existing facility</b> , unless the following conditions are met (a) no use of mechanized equipment, except <b>soft digging</b> equipment specifically designed or intended to protect the integrity of the facility, within the marked tolerance zone of an existing facility. | Section 58-36-60 (F)(9)(a)     |
|  | <b>Establishes Rule for Excavation in the Tolerance Zone</b>                             | Not Previously Included   | When excavation involves crossing an existing marked facility, the excavator must visually verify minimum clearance of the tolerance zone <b>above or below</b> the existing facility using appropriate methods, such as hand digging or <b>soft digging techniques</b> to visually identify and protect existing facilities where the excavation crossing occurs.   | Section 58-36-60 (F)(9)(a)(ii) |




Law Comparison Chart

**Responsibilities of Operators (Multiple Sections)**

| Type (New or Edit)  | Description   | Current Language (Effective through May 21, 2026)   | New Language (Effective May 22, 2026)   | Reference Number        |
|---|---|---|---|-------------------------|
|    | <b>Updated Rule About Operator Response Timelines to Include Large Project Agreements</b> | These timelines do not apply in the event the operator declares an extraordinary circumstance.                | These timelines do not apply in the event the operator declares an extraordinary circumstance pursuant to subsection (F) <b>below, or for a large project in which these timelines are modified in a large project facility location agreement.</b>   | Section 58-36-70 (B)    |
|    | <b>Operators Must File Quarterly Damage Reports with the Notification Center</b>          | Not Previously Included   | An operator must provide to the notification center a report, on a quarterly basis, of damage to its facilities caused by excavations and demolitions. The report must include the date of the incident and a brief summary of the extent of the damage. The board of the notification center must approve forms for use by operators in reporting damages. These forms shall gather information to improve the protection of underground facilities in this State. | Section 58-36-70 (K)    |
|   | <b>Clarifies Operator Responsibility for Designated Representative</b>                    | Not Previously Included   | In the event that an operator designates a representative to carry out its duties described in this section and the designated representative fails to carry out those duties, then the operator shall be responsible for payment of any civil penalty in accordance with Section 58-36-120.  | Section 58-36-70 (L)    |
|  | <b>Monthly Penalty Added if not a Member Operator</b>                                     | Operators that are members of the existing association on the effective date of this act must remain members. | Beginning on January 1, 2026, every month that an operator is not a member of the association shall be a separate violation of this chapter.  | Section 58-36-50 (B)(2) |



| Responsibilities of Operators (Multiple Sections)                                  |   |  |   |                      |
|--|---|--|---|----------------------|
| Type (New or Edit)   | Description                                   | Current Language (Effective through May 21, 2026)  | New Language (Effective May 22, 2026)   | Reference Number     |
|  | <b>Routine Design Request Response Change</b> | <p>Within fifteen working days after a design request has been submitted to the notification center for a proposed project, the operator shall respond by one of the following methods: (1) designate the location of all facilities within the area of the proposed excavation pursuant to Section 58-36-70(A); (2) provide to the person submitting the design request the best available description of all facilities in the area of proposed excavation, which may include drawings of facilities already built in the area, or other facility records that are maintained by the operator; or <b>(3) allow the person submitting the design request or any other authorized person to inspect the drawings or other records for all facilities within.</b></p> | <p>Within fifteen working days after a design request has been submitted to the notification center for a proposed project, the operator shall respond by one of the following methods: (1) designate the location of all facilities within the area of the proposed excavation pursuant to Section 58-36-70(A); or (2) provide to the person submitting the design request the best available description of all facilities in the area of proposed excavation, which may include drawings of facilities already built in the area, or other facility records that are maintained by the operator.(C) An operator may reject a design request based on homeland security pending additional information confirming the legitimacy of the request. The operator must notify the person making the request of the denial and request additional information, through the positive response system, within the time frame set forth in Section 58-36-70(B).</p> | Section 58-36-100(B) |



Law Comparison Chart

| Large Projects (Multiple Sections) |  |   |   |                                      |
|------------------------------------|--|---|---|--------------------------------------|
| Type (New or Edit)                 | Description  | Current Language (Effective through May 21, 2026) | New Language (Effective May 22, 2026)   | Reference Number                     |
|                                    | <b>Defines Large Projects Based on Time and Scope</b>                      | Not Previously Included                           | (a) Involves more work to locate underground facilities than can reasonably be completed within the requirements of Section 58-36-70; (b) is reasonably expected to take more than ninety days to complete.   | Section 58-36-20 (14) (a & b)        |
|                                    | <b>Large Project Criteria for Highway Infrastructure Projects</b>          | Not Previously Included                           | Highway infrastructure project that is: (A) greater than one mile measured linearly and encompasses more than a two square-mile polygon; and (B) proposed for areas in which existing underground facilities are located.   | Section 58-36-20 (14)(c)(i)(A&B)     |
|                                    | <b>Large Project Criteria for Development Projects</b>                     | Not Previously Included                           | A development project that is located in areas in which existing underground facilities are located.  | Section 58-36-20 (14)(B)(ii)         |
|                                    | <b>Large Project Criteria for Utility Infrastructure Projects</b>          | Not Previously Included                           | Utility infrastructure project that is: (A) greater than one mile measured linearly or encompasses a two-square-mile polygon; and (B) proposed for areas in which existing underground facilities are located.  | Section 58-36-20 (14)(B)(iii)(A & B) |
|                                    | <b>Defines Large Project Facility Location Agreement</b>                   | Not Previously Included                           | “Large project facility location agreement” means an agreement between the excavators, locators, and facility owners involved in a large project that meets the requirements in Section 58-36-75.   | Section 58-36-20 (15)                |
|                                    | <b>Establishes Notification Center Responsibilities for Large Projects</b> | Not Previously Included                           | (2) Establish large project facility location agreements that must include, but not be limited to, the notice and response requirements in Sections 58-36-60(A), (B), (C), and (E) and 58-36-70(B), (C), (E), and (F); (3) develop systems and processes to assist project initiators, excavators, and facility operators with implementation of large project procedures pursuant to Section 58-36-75. | Section 58-36-50 (L) (2 &3)          |





Law Comparison Chart

| Large Projects (Multiple Sections) |   |  |  |                              |
|------------------------------------|---|--|--|------------------------------|
| Type (New or Edit)                 | Description   | Current Language<br>(Effective through May 21, 2026) | New Language (Effective May 22, 2026)  | Reference Number             |
| <b>NEW</b>                         | <b>Links Design Requests to Large Project Procedures when Applicable</b>                                    | Not Previously Included                              | (D) The provisions of this section may be used for a large project that follows procedures established in 58-36-75. For excavations that are not large projects, the provisions of Sections 58-36-60 and 58-36-70 must be followed.  | Section 58-36-100 (D)        |
| <b>NEW</b>                         | <b>Defines Project Initiator and Who is Responsible by Large Project Type</b>                               | Not Previously Included                              | The person or entity that causes a large project to be initiated. The project initiator for large projects for highway infrastructure shall be the South Carolina Department of Transportation; the project initiator for large projects for development shall be the development owner; and the project initiator for a utility infrastructure project shall be the utility infrastructure project owner. | Section 58-36-20 (26)        |
| <b>NEW</b>                         | <b>Outlines Who Must Follow Large Project Processes</b>   | Not Previously Included                              | All project initiators and affected operators, excavators, and locators must comply with the provisions of this section for large projects.  | Section 58-36-75 (A)         |
| <b>NEW</b>                         | <b>30-Day Advanced Notice Required for Large Project</b>  | Not Previously Included                              | Notwithstanding the notice timelines provided in Section 58-36-60, the project initiator or designee for a large project must provide notice to the notification center at least thirty days prior to the commencement of the large project.   | Section 58-36-75 (B)         |
| <b>NEW</b>                         | <b>Notification Center Must Respond to Large Project Initiation within 3 days with Operator Information</b> | Not Previously Included                              | Within three days from receipt of a notice of a large project, the notification center must provide: (1) a list of all operators of facilities in the large project area to the project initiator or its designee; and (2) notice to all of the operators of the proposed large project.   | Section 58-36-75 (C) (1 & 2) |






Law Comparison Chart

| <b>Large Projects (Multiple Sections)</b>   |  |  |  |                                       |
|---|--|--|--|---------------------------------------|
| <b>Type (New or Edit)</b>   | <b>Description</b>   | <b>Current Language<br/>(Effective through May 21, 2026)</b> | <b>New Language (Effective May 22, 2026)</b>   | <b>Reference Number</b>               |
|  | <b>Project Initiator Must Schedule Planning Meeting within 15 days</b> | Not Previously Included                                      | Within fifteen days of the notification of the proposed large project, the project initiator or its designee must provide notice through the notification center of a planning meeting of all affected facility operators, locators, and excavators known by the project initiator or its designee to be involved in any excavation or demolition work on the large project.   | Section 58-36-75 (D)                  |
|  | <b>Details Required at Large Project Planning Meeting</b>              | Not Previously Included                                      | At the planning meeting, the project initiator or its designee must provide: (a) an overview of the proposed large project; (b) contact information for the project initiator and, if applicable, the project initiator's designee for the initial planning meeting; however, after the initial planning meeting, the contact information for each excavator, locator, facility operator, and their respective agents, involved in the proposed large project must be updated in a timely manner; (c) expected timelines for the work to be concluded, including descriptions of phases if appropriate; and (d) a proposed large project facility location agreement which must include, but not limited to, proposed timelines of notices of excavation, marking of facilities, and positive response to notices. | Section 58-36-75 (E)(1) (a through d) |





Law Comparison Chart






| Large Projects (Multiple Sections)  |  |   |  |                         |
|---|--|---|--|-------------------------|
| Type (New or Edit)  | Description  | Current Language<br><i>(Effective through May 21, 2026)</i> | New Language <i>(Effective May 22, 2026)</i>   | Reference Number        |
|    | <b>All Parties Must Negotiate Large Project Location Agreements</b>                                | Not Previously Included                                     | The project initiator or its designee and all excavators, locators, and facility operators involved in the large project must negotiate in good faith to reach an agreement on notice and response procedures that will be reasonable for all entities involved in the large project. A large project facility location agreement must include provisions to address the notice and response requirements in Section 58-36-60 (A), (B), (C), and (E) and Section 58-36-70 (B), (D), (E), and (F); these provisions must meet or exceed the standards in these subsections to protect underground facilities. | Section 58-36-75 (E)(2) |
|  | <b>Submission and Record Keeping of Large Project Agreements to the Notification Center</b>        | Not Previously Included                                     | All large project facility location agreements must be submitted to the notification center by the project initiator or its designee. The notification center shall be responsible for maintaining records of these agreements and must provide copies of these agreements, upon request, to any of the excavators, locators, facility operators, or any of their respective agents of subcontractors identified on the notification sheet.  | Section 58-36-75 (F)    |
|  | <b>Relief from Standard Locate Notice and Marking Rules if Large Project Agreement is Followed</b> | Not Previously Included                                     | All excavators, locators, and facility operators that comply with the provision of a large project facility location agreement are relieved of the notice, pre-marking, marking, and response requirements in Section 58-36-60 (A), (B), (C), and (E) and Section 58-36-70 (B), (D), (E), and (F).   | Section 58-36-75 (G)    |



Law Comparison Chart

| Large Projects (Multiple Sections)  |  |  |  |                      |
|---|--|--|--|----------------------|
| Type (New or Edit)  | Description  | Current Language<br>(Effective through May 21, 2026) | New Language (Effective May 22, 2026)  | Reference Number     |
|    | <b>All Parties Must Follow Large Project Agreement, even if Absent</b> | Not Previously Included                              | In the event any excavator, locator, or facility operator is unable or unwilling to attend the planning meeting or meetings conducted pursuant to this section, that excavator, locator, or operator must comply with the notice and location requirements agreed to in the large project facility location agreement that is a result of the meeting or meetings required under this section.   | Section 58-36-75 (H) |
|  | <b>Allows Access to and Adjustment of Large Project Agreements</b>     | Not Previously Included                              | The notification center must make available to any such excavator, locator, or operator a copy of the large project facility location agreement. Nothing in this section will prevent such excavator, locator, or operator from requesting adjustments to the agreement and nothing will prevent the parties to such agreement from agreeing to the requested adjustments. Any such modifications to the large project facility location agreement must be submitted by the project initiator to the notification center and maintained by it as part of its responsibilities pursuant to Section 58-36-50 (L)(2) and (3). | Section 58-36-75 (I) |



| Emergencies & Damages (Multiple Sections)   |   |  |  |                      |
|---|---|--|--|----------------------|
| Type (New or Edit)  | Description   | Current Language (Effective through May 21, 2026)  | New Language (Effective May 22, 2026)  | Reference Number     |
|    | <b>Emergencies Now Able to Be Entered Online, Although Higher Access Is Required</b>              | However, the excavator must give, as soon as practicable, oral notice of the emergency to the notification center and the facility operator.   | However, the excavator must, as soon as practicable, provide notice of the emergency to the notification center and oral notice to any affected facility operators.  | Section 58-36-80 (A) |
|    | <b>Operators Have Time Limit to Respond to Emergencies</b>  | Not Previously Included  | All operators within the delineated emergency excavation or demolition area are required to respond in the notification center's positive response system within three hours from the notification center's notice of the emergency.   | Section 58-36-80 (B) |
|  | <b>Excavators Must Communicate with Locators within 3 Hours of Submission of Emergency Notice</b> | Not Previously Included  | The person responsible for the emergency excavation or demolition shall either be on-site or in communication with the operator, their contract locator, or their representative through the notification center's positive response system. This communication must be made within three hours after the transmission of the notice of the emergency excavation or demolition by the notification center. | Section 58-36-80 (C) |
|  | <b>False Emergencies are a Violation</b>  | Not Previously Included  | Any person who falsely claims that an emergency exists requiring excavation or demolition shall have violated the provisions of this chapter.  | Section 58-36-80 (E) |
|  | <b>Excavators Must Use Form Prepared by the Notification Center to Report Damages</b>             | The excavator performing an excavation or demolition that results in any damage to a facility must, immediately upon discovery of such damage, notify the notification center and the facility operator, if known, of the location and nature of the damage. | The excavator performing an excavation or demolition that results in any damage to a facility must immediately report the location and nature of the damage to the notification center and to the facility operator, if known. <b><i>This report must be made on a form prepared by, and made available by, the notification center.</i></b>   | Section 58-36-90 (A) |





### Timeline of Complaints and Penalties (Section 58-36-120)

| Type<br>(New or Edit) | Description   | Current Language<br>(Effective through May 21, 2026) | New Language (Effective May 22, 2026)   | Reference Number         |
|-----------------------|---|--|---|--------------------------|
|                       | <b>Complaints Must Be Filed within 45 Days of Violation</b>                     | Not Previously Addressed                             | A party affected by an alleged violation of this chapter may file a complaint with the Attorney General's Office within forty-five days of the alleged violation.   | Section 58-36-120 (A)(1) |
|                       | <b>Attorney General's Office May Reject or Accept Mediation Recommendations</b> | Not Previously Addressed                             | The Attorney General's Office, upon receipt of a mediation recommendation from the notification center, may approve or reject the mediation recommendation.   | Section 58-36-120 (A)(2) |
|                       | <b>Outlines Process after a Failed Mediation Attempt</b>                        | Not Previously Included                              | If the notification center informs the Attorney General's Office that a mediation recommendation could not be reached or a mediation recommendation is rejected by the Attorney General's Office, the Attorney General's Office shall review the complaint and any additional information gathered by the notification center to determine whether there exists a prima facie case that a violation of this chapter has occurred. | Section 58-36-120 (A)(3) |
|                       | <b>Filed Complaints Are Shared with the Notification Center</b>                 | Not Previously Included                              | Upon filing of an action pursuant to this section, the clerk of court shall forward a copy of the complaint to the notification center.   | Section 58-36-120 (A)(4) |



Law Comparison Chart






**Timeline of Complaints and Penalties (Section 58-36-120)**

| Type (New or Edit)  | Description  | Current Language (Effective through May 21, 2026) | New Language (Effective May 22, 2026)  | Reference Number         |
|---|--|---|--|--------------------------|
|  | <b>Complainant Can Request or Settle Penalties during Litigation</b>   | Not Previously Included                           | In any action brought by a complainant seeking the imposition of penalties as authorized by this section, the complainant may seek penalties up to the statutory limit and may, during the litigation, resolve the action by a settlement within the statutory limits.   | Section 58-36-120 (A)(5) |
|  | <b>Notification Center Employee May Testify on Investigations Only</b> | Not Previously Included                           | An employee of the notification center who participated in the investigation of the complaint as provided in Sections 58-36-120(A)(1) and 58-36-50(L) may be called to testify in a proceeding brought to impose penalties pursuant to this section. However, that person may not testify to settlement discussions that would be protected by Rule 408 of the S.C. Rules of Evidence. | Section 58-36-120 (A)(6) |



Law Comparison Chart

**Timeline of Complaints and Penalties (Section 58-36-120)**

| Type (New or Edit)   | Description  | Current Language<br>(Effective through May 21, 2026)   | New Language (Effective May 22, 2026)  | Reference Number            |
|--|--|--|--|-----------------------------|
|   | <b>Complainant Awarded Attorney Fees and Costs if Violation Is Found</b>   | Not Previously Included  | Upon the finding by the court of a violation of this chapter, the court shall award the person bringing such action under this section reasonable attorney's fees and costs. | Section 58-36-120 (A)(7)    |
|   | <b>Penalty Amount Increased Up to \$5,000</b>  | Any person who violates any provision of this chapter shall be subject to a civil penalty not to exceed one thousand dollars for each violation. | (1) Except as provided in item (2), the court may impose a civil penalty of up to \$5,000 for each violation of this chapter.  | Section 58-36-120 (B)(1)    |
|   | <b>Civil Penalties Up to \$25,000 for Specific Violations</b>  | Not Previously Included  | The court may impose a civil penalty of up to \$25,000 for each violation of this chapter.   | Section 58-36-120 (B)(2)    |
|   | <b>Civil Penalties of Up to \$25,000- Failure to Join the Notification Center</b>                                      | Not Previously Included  | Operators who do not join the association to operate the notification center as required in Section 58-36-50(B).   | Section 58-36-120 (B)(2)(a) |
|  | <b>Civil Penalties of Up to \$25,000 for Specific Violations- Gross Negligence Causing Underground Facility Damage</b> | Not Previously Included  | Person or entities who damage an underground facility as a result of gross negligence in excavation or demolition.   | Section 58-36-120 (B)(2)(b) |




**Timeline of Complaints and Penalties (Section 58-36-120)**

| Type (New or Edit) | Description  | Current Language (Effective through May 21, 2026) | New Language (Effective May 22, 2026)   | Reference Number            |
|--------------------|--|---|---|-----------------------------|
|                    | <b>Civil Penalties of Up to \$25,000- Failure to Notify the Notification Center After Damage</b>                                   | Not Previously Included                           | Persons or entities who damage an underground facility and fail to promptly notify the notification center.   | Section 58-36-120 (B)(2)(c) |
|                    | <b>Civil Penalties of Up to \$25,000 for Specific Violations- Concealment of Damage to Underground Facility</b>                    | Not Previously Included                           | Persons or entities who damage an underground facility and take actions to conceal the damage.  | Section 58-36-120 (B)(2)(d) |
|                    | <b>Civil Penalties of Up to \$25,000- Willful Removal or Destruction of Underground Facility Markings Before Work is Completed</b> | Not Previously Included                           | Persons or entities who willfully remove or otherwise destroy stakes or other physical markings used to mark the approximate location of underground facilities prior to the completion of the excavation or demolition unless that removal or destruction occurs after the excavation or demolition. | Section 58-36-120 (B)(2)(e) |
|                    | <b>Civil Penalties of Up to \$25,000 for Specific Violations- Intentional Violation of Chapter Requirements</b>                    | Not Previously Included                           | Persons or entities who intentionally violate the requirements of this chapter.   | Section 58-36-120 (B)(2)(f) |



Law Comparison Chart

**Timeline of Complaints and Penalties (Section 58-36-120)**

| <b>Type (New or Edit)</b>   | <b>Description</b>  | <b>Current Language<br/>(Effective through May 21, 2026)</b>   | <b>New Language (Effective May 22, 2026)</b>   | <b>Reference Number</b> |
|---|---|--|--|-------------------------|
|  | <b>All Penalty Collections Now Go to the State's General Fund</b> | All penalties recovered in any such action shall be equally divided between the state's general fund and the Office of the Attorney General. | All penalties recovered in any actions brought under this section shall be paid into the state's general fund. | Section 58-36-120 (D)   |