

HB 1029-FN - AS INTRODUCED

2026 SESSION

26-2465

06/05

HOUSE BILL **1029-FN**

AN ACT relative to the definition of excavation under underground utility damage prevention laws.

SPONSORS: Rep. Labrie, Hills. 2; Rep. B. Boyd, Hills. 12; Rep. Drago, Rock. 4; Rep. Dupont, Hills. 20; Rep. Farrington, Straf. 8; Rep. Gorski, Hills. 2; Rep. Notter, Hills. 12; Rep. Peternel, Carr. 6; Rep. Schneller, Hills. 2; Sen. Innis, Dist 7

COMMITTEE: Science, Technology and Energy

ANALYSIS

This bill changes the definition of "excavate" to clarify that hand planting of flowers, small shrubs and bushes not exceeding 3-gallon pots, and shallow irrigation repairs dug by hand, are not considered excavation for purposes of underground utility damage prevention laws.

Explanation: Matter added to current law appears in ***bold italics***.

Matter removed from current law appears [in brackets and struckthrough.]

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty-Six

AN ACT relative to the definition of excavation under underground utility damage prevention laws.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 Underground Facility Damage Prevention System Definitions. Amend RSA 374:48, III to read as follows:

III. "Excavate", "excavating", or "excavation" means any operation conducted on private property or in a public way, right-of-way, easement, public street, or other public place, in which earth, rock, or other material in the ground is moved, removed, or otherwise displaced by means of any tools, equipment, or explosive, and includes but is not limited to drilling, grading, boring, milling, trenching, tunneling, scraping, tree and root removal, cable or pipe plowing, fence or sign post installation, pile driving, wrecking, razing, rending, or moving any structure or mass material, ***but shall not include planting by hand of perennial or annual flowers, small shrubs and bushes not to exceed 3 gallon pots, and also shall not include shallow irrigation repairs dug by hand***, [but does not include] ***nor*** the tilling of soil for agricultural purposes, landscaping and maintenance of residential property performed with non-mechanized equipment, landscaping activities performed with mechanized equipment that are intended to cut vegetation, including lawn edging, aeration, and de-thatching, excavations permitted or grandfathered under RSA 155-E, or replacement of department-of-transportation-installed delineator posts in the same location.

2 Effective Date. This act shall take effect 60 days after its passage.

LBA

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