

49-7A-26	Factors considered in determining amount of penalty.
	The amount of recommended penalty shall be determined by a majority vote of the panel.
	(1) The amount of damage, degree of threat to the public safety, and inconvenience caused;
	(2) The respondent's plans and procedures to insure future compliance with statute and rules;
	(3) Any history of previous violations;
	(4) Other matters as justice requires.

PENALTY GUIDELINES

STATUTES	Penalty	Unintentional		Intentional (49-7A-19)	
		1st Violation	Each Subsequent Violation within a 12 month Period	1st Violation	Each Subsequent Violation within a 12 month Period
		\$ 1,000 Possible Fine	\$ 5,000 Possible Fine	\$ 5,000 Possible Fine	\$ 10,000 Possible Fine
49-7A-5	Digging without a ticket	\$ 250	\$ 1,250	\$ 1,875	\$ 3,750
	Digging without a valid ticket (Before or after)	\$ 250	\$ 1,250	\$ 1,875	\$ 3,750
49-7A-8	Failure to locate	\$ 250	\$ 1,250	\$ 1,875	\$ 3,750
	Failure to locate within appropriate time	\$ 250	\$ 1,250	\$ 1,875	\$ 3,750
	Failure to locate within tolerances	\$ 500	\$ 2,500	\$ 3,750	\$ 7,500
	Mechanical digging inside minimum clearance	\$ 500	\$ 2,500	\$ 3,750	\$ 7,500
	Failure to expose the facility	\$ 250	\$ 1,250	\$ 1,875	\$ 3,750
	Failure to support and protect the facility	\$ 250	\$ 1,250	\$ 1,875	\$ 3,750
49-7A-10	Failure to act in a carefull and prudent manner	\$ 250	\$ 1,250	\$ 1,875	\$ 3,750
49-7A-12	Failure to notify One Call and Operator of damage	\$ 250	\$ 1,250	\$ 1,875	\$ 3,750
	Failure to call 911 release of corrosive gas or liquid	\$ 500	\$ 2,500	\$ 3,750	\$ 7,500
	Attempt to conceal damage	\$ 1,000	\$ 5,000	\$ 5,000	\$ 10,000
49-7A-13	Failure to notify not located, miss located, or un-locatable facilities	\$ 250	\$ 1,250	\$ 1,875	\$ 3,750
49-7A-24	Respondent to satisfy or answer complaint--Procedure	\$ 250	\$ 1,250	\$ 1,875	\$ 3,750
ADMINISTRATIVE RULES					
20:25:03:01	Operator participation including registering High Profile Faciltiies	\$ 250	\$ 1,250	\$ 1,875	\$ 3,750
20:25:03:04	Precise description of work area, white lining, or meet request	\$ 250	\$ 1,250	\$ 1,875	\$ 3,750

20:25:03:04.03	Excavator availability during response period	\$ 250	\$ 1,250	\$ 1,875	\$ 3,750
20:25:03:04.04	Misrepresentation of emergency locate (20:25:03:04:04)	\$ 1,000	\$ 5,000	\$ 5,000	\$ 10,000
20:25:03:05.02	Preservation of markings (20:25:03:05:02)	\$ 250	\$ 1,250	\$ 1,875	\$ 3,750
20:25:03:04.05	Color Standards	\$ 250	\$ 1,250	\$ 1,875	\$ 3,750
20:25:03:05.01	Valid Period for markings - Update	\$ 250	\$ 1,250	\$ 1,875	\$ 3,750
20:25:03:05.02	Excavator responsibilities of preservation of markings	\$ 250	\$ 1,250	\$ 1,875	\$ 3,750
20:25:03:05.03	Excavation near markings - 18" Rule	\$ 250	\$ 1,250	\$ 1,875	\$ 3,750
20:25:03:05.04	Operator to notify excavator of no facilities or mark "NO"	\$ 250	\$ 1,250	\$ 1,875	\$ 3,750
20:25:03:08	Ticket Standards				
20:25:03:08 (1)	Time Stamp on Ticket to be in time zone of work				
20:25:03:08 (2)	Emergency tickets may be assigned to excavator assisting to resolve	\$ 250	\$ 1,250	\$ 1,875	\$ 3,750
20:25:03:08 (3)	Separate Ticket for each excavation site or maximum of 5 contiguous properties	\$ 250	\$ 1,250	\$ 1,875	\$ 3,750
20:25:03:08 (4)	Continuous job site - Tickets not more than 2 miles in length issued for each separate ROW	\$ 250	\$ 1,250	\$ 1,875	\$ 3,750
20:25:03:08 (5)	Continuous job site - excavator to request meeting if more than 2 miles in length - work schedule provided in writing - white flag or written instructions of precise route	\$ 250	\$ 1,250	\$ 1,875	\$ 3,750
20:25:03:08 (6)	Project Ticket - Common Work Type within boundaries of one county and continuous work schedule, then white flags, written instructions with precise instructions and work schedule to be provided	\$ 250	\$ 1,250	\$ 1,875	\$ 3,750
20:25:03:08 (7)	Modified Ticket - due 2 working days from issuance of ticket	\$ 250	\$ 1,250	\$ 1,875	\$ 3,750
20:25:03:09	Excavation site impractical to flag, mark, or describe	\$ 250	\$ 1,250	\$ 1,875	\$ 3,750
20:25:03:09 (1)	Meet request to be between 9 am and 4 pm not less than 2 days of the call	\$ 250	\$ 1,250	\$ 1,875	\$ 3,750
20:25:03:09 (2)	If requests do not identify the excavation site, then excavator shall identify the work site in writing at the time of the appointment	\$ 250	\$ 1,250	\$ 1,875	\$ 3,750
20:25:03:09 (3)	If excavation site is not identified on the ticket, then the operator shall mark within 48 hours of the conclusion of the appointment	\$ 250	\$ 1,250	\$ 1,875	\$ 3,750
20:25:03:10	Operator requirements after receipt of an emergency or modified routine ticket	\$ 250	\$ 1,250	\$ 1,875	\$ 3,750
20:25:03:10 (1)	Emergency - Operator shall respond within 2 hours during the day and 4 hours outside of the business day or by the start time on the ticket, whichever is later	\$ 250	\$ 1,250	\$ 1,875	\$ 3,750
20:25:03:10 (2)	Emergency - Operator shall immediately notify the excavator if facilities are clear	\$ 250	\$ 1,250	\$ 1,875	\$ 3,750
20:25:03:10 (3)	Operator shall respond to damages in the same time intervals as emergency locates	\$ 250	\$ 1,250	\$ 1,875	\$ 3,750
20:25:03:10 (3)	Verification Ticket - If modified ticket is issued because of center error or the operator provided inaccurate marking the operator shall respond as emergency locates	\$ 250	\$ 1,250	\$ 1,875	\$ 3,750
20:25:03:10 (3)	Re-spot or Remark Ticket - Operator shall respond in 24 hours or by the start time on the ticket, whichever is later. A new routine ticket may not be requested.	\$ 250	\$ 1,250	\$ 1,875	\$ 3,750
20:25:03:10.01	Planning Tickets (Excavation Not Allowed) - excavation to begin within 18 months - Operator shall respond within 5 working days or by the start time, whichever is later. The Planner may request the facilities to be marked.	\$ 250	\$ 1,250	\$ 1,875	\$ 3,750

	Operator shall respond within 5 working days	\$ 250	\$ 1,250	\$ 1,875	\$ 3,750
-	Informational Tickets (Excavation Not Allowed) - The Operator may require compensation to locate (see 20:25:03:04.05)	\$ 250	\$ 1,250	\$ 1,875	\$ 3,750
20:25:03:10.02	Non-compliance with High Profile procedures (20:25:03:10:02)	\$ 500	\$ 2,500	\$ 3,750	\$ 7,500