

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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

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

16 2 Effective Date. This act shall take effect 60 days after its passage.

LBA
26-2465
Revised 12/5/25

**HB 1029-FN- FISCAL NOTE
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AN ACT relative to the definition of excavation under underground utility damage prevention laws.

FISCAL IMPACT:

The Office of Legislative Budget Assistant states this bill has no fiscal impact on state, county and local expenditures or revenue.

AGENCIES CONTACTED:

None