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H.B. 227
136th General Assembly

Bill Analysis

Version: As Introduced

Primary Sponsors: Reps. Robb Blasdel and Johnson

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SUMMARY

- Removes a utility's ability to participate in a protection service on a limited basis.
- Modifies the definition of "excavation" to exclude certain activities performed in a public right-of-way, regardless of whether such activities are performed by a government entity.
- Modifies the required timing of a notice provided by an excavator to a protection service before beginning an excavation project.

DETAILED ANALYSIS

Enrollment in protection services

Utility companies are required to participate in and register the location of underground utility facilities – which include any items buried below ground or submerged under water for use in connection with water, sewer, telecommunication, and other utility services – with a protection service. A "**protection service**" is a notification center that receives notices from persons planning or engaging in excavation work, distributes this information to its members and participants, and that has registered with the Secretary of State and the Public Utilities Commission of Ohio (PUCO).¹

Under current law, a utility company may choose to participate in a protection service on a limited basis. Limited participants are required to register their underground utility facilities with the service but do not otherwise participate in the service's positive response system. The bill removes this option, requiring utility companies to fully register and participate in the service.²

¹ R.C. 3781.25(A) and 3781.26(A).

² R.C. 3781.26(A) and (D); 3781.27(B), (E), and (F); 3781.271; and 3781.28(A) and (F).

Excavation

The bill also modifies the activities that are exempt from the definition of “**excavation**” for the purposes of the Protection Services Law. Under current law, “excavation” excludes any activity by a governmental entity which does not penetrate the earth to a depth of more than 12 inches. The bill changes this to exempt specific activities when performed in a public right-of-way: milling and grinding road surfaces, utility pole inspections, tilling for sowing of grass, and placement of temporary signage.³

Notice period

Under current law, an excavator must notify the protective service of its intent to excavate at least 48 hours, but not more than ten working days before, excavating. The bill changes this notice period to at least two working days, but not more than 16 calendar days prior to excavation. The bill also specifies that “**working days**” begin at 12:00 a.m and end at 11:59 p.m. on the same date, which appears to allow a day to be included in the notice period even if the notice is delivered after standard working hours.⁴

HISTORY

Action	Date
Introduced	04-07-25

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³ R.C. 3781.25(I).

⁴ R.C. 3781.25(F) and 3781.28(A).