

## A small thing could save you thousands

Whose responsibility is it to call Underground Service Alert of Southern California (DigAlert) prior to any excavation?

- Owner of the property
- General contractor
- Subcontractor
- Company that supplies equipment and operator
- Equipment operator

**Answer:** Potentially, all of the above.

Many people are aware California Government Code Section 4216.2 requires any person planning to conduct any excavation or digging to contact the appropriate regional notification center at least two working days prior to excavation. However, many do not know that companies that lease or rent power-driven excavating or boring equipment to contractors can be relieved of the duty to contact the notification center if the signed rental agreement between the company and the contractor (or subcontractor) contains the following: *"It is the sole responsibility of the lessee or renter to follow the requirements of the regional notification center law pursuant to Article 2 (commencing with Section 4216) of Chapter 3.1 of Division 5 of Title 1 of the Government Code. By signing this contract, the lessee or renter accepts all liabilities and responsibilities contained in the regional notification center law." See California Government Code Section 4216.8(c).*

In a recent case, a company that leased a backhoe and operator to a company, relied on the customer to call DigAlert. Unfortunately, the customer failed to provide DigAlert accurate information. During excavation, an underground line was hit and the utility filed suit to recover all damages. The company that provided the backhoe and operator could have saved itself from being a party to a lawsuit if only its signed agreement included the exculpatory language above.

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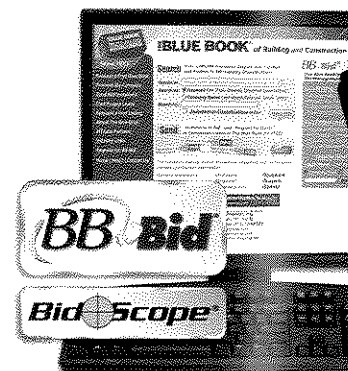
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