



CHAPTER 87  
ARTICLE 8A - UNDERGROUND UTILITY SAFETY AND DAMAGE PREVENTION ACT

N.C.G.S. § 87-128.

Absence of facility location.

|                                                                                    |                                                               |                                           |                                                                                              |
|------------------------------------------------------------------------------------|---------------------------------------------------------------|-------------------------------------------|----------------------------------------------------------------------------------------------|
| SOURCE<br>General Statutes of North Carolina, as published by the General Assembly | LAST AMENDMENT IN THIS TEXT<br>No amendment history on record | RETRIEVED<br>21 September 2026, 04:47 UTC | SOURCE FINGERPRINT<br>ccfff7f8c2f3d972cc67d231 - 682e56d1f93959249d2d8e83 - b98bfa17301b2175 |
|------------------------------------------------------------------------------------|---------------------------------------------------------------|-------------------------------------------|----------------------------------------------------------------------------------------------|

If an operator who has been given notice as provided in G.S. 87-120(d) by the Notification Center fails to respond to that notice as provided in G.S. 87-121 or fails to properly locate the facility, the person excavating is free to proceed with the excavation and neither the excavator nor the person financially responsible for the excavation will be liable to the nonresponding or improperly responding operator for damages to the operator's facilities so long as the excavator has exercised due care in preparing for or conducting the excavation. For the purposes of this section, the excavator shall be entitled to a presumption, rebuttable by clear and convincing evidence, that it has exercised due care in preparing for or conducting the excavation where (i) the Notification Center gives the operator the notice required in G.S. 87-120(d), (ii) the operator fails to respond to that notice as provided in G.S. 87-121 or fails to properly locate the facility, (iii) the excavator has complied with the requirements of G.S. 87-122(c), and (iv) the excavator did not have actual knowledge of the existence of a facility located within the area of the excavation to be performed. (2013-407, s. 2; 2025-21, s. 6.)

END OF SECTION TEXT

APPARATUS FOLLOWS — DERIVED, NOT ENACTED

APPARATUS II  
4 AUTHORITIES

Authorities referenced

Every G.S. cross-reference appearing in the text of this section, in order of first appearance. Nothing is characterized; the operative language is quoted from the section itself.

| REFERENCE            | APPEARS IN | OPERATIVE LANGUAGE IN THIS SECTION           |
|----------------------|------------|----------------------------------------------|
| G.S. 87-120(d)       |            | <i>"been given notice as provided in"</i>    |
| G.S. 87-121          |            | <i>"to that notice as provided in"</i>       |
| G.S. 87-120(d), (ii) |            | <i>"the operator the notice required in"</i> |

G.S. 87-122(c), and (iv)

*"has complied with the requirements of"*

## APPARATUS III

## Citation

## FULL SECTION

N.C. Gen. Stat. § 87-128 (2026).

Pinpoint keys are set in the left margin of the text rather than line numbers: subsection designators are stable across editions and paper sizes, line numbers are not.

## COLOPHON

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