

**66-1811. Effect of violation of act, liability for damages; application of other laws.** (a) In a civil action in a court of this state when it is shown by competent evidence that personal injury, death or other damages, including damage to any underground facilities, occurred as a result of a violation of this act, there shall be a rebuttable presumption of negligence on the part of the violator.

(b) In no event shall the excavator be responsible for any damage to underground facilities if such damage was caused by the failure of the operator to correctly and properly mark the location of the tolerance zone of the damaged facility.

(c) Nothing in this act is intended to limit or modify the provisions of:

- (1) K.S.A. 60-258a, and amendments thereto; or
- (2) the national electrical safety code, which would otherwise be applicable.

**History:** L. 1993, ch. 217, § 11; L. 2002, ch. 41, § 8; Jan. 1, 2003.