

# State of South Dakota

EIGHTY-SECOND SESSION  
LEGISLATIVE ASSEMBLY, 2007

347N0186

## SENATE BILL NO. 10

Introduced by: The Committee on Commerce at the request of the Statewide One-Call  
Notification Board

1 FOR AN ACT ENTITLED, An Act to revise certain requirements and procedures regarding the  
2 one-call notification system for excavation activities.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That subdivision (3) of § 49-7A-1 be amended to read as follows:

5 (3) "Excavation," any operation in which earth, rock, or other material in or on the  
6 ground is moved or otherwise displaced by means of tools, equipment, or explosives,  
7 and includes grading, trenching, digging, ditching, drilling, augering, tunneling,  
8 scraping, and cable or pipe plowing or driving, except tilling of soil and gardening  
9 to a depth of twelve inches and the tilling of soil for agricultural purposes to a depth  
10 of eighteen inches, maintenance grading or reconstructing of an existing public road  
11 ~~and ditch maintenance that if the maintenance grading or reconstructing~~ does not  
12 extend below ~~eighteen~~ twelve inches of original roadgrade or ditch flowline within  
13 ~~the road right-of-way~~, digging in a cemetery, or digging in a planned sanitary landfill;

14 Section 2. That § 49-7A-5 be amended to read as follows:

15 49-7A-5. No excavator may begin any excavation without first notifying the one-call



1 notification center of the proposed excavation. The excavator shall give notice by telephone;  
2 ~~facsimile, in person,~~ or by other methods approved by the board pursuant to rules promulgated  
3 pursuant to chapter 1-26 to the one-call notification center at least forty-eight hours prior to the  
4 commencement of the excavation, excluding Saturdays, Sundays, and legal holidays of the state;  
5 ~~but not more than ten business days prior to any excavation.~~ The board may promulgate rules  
6 to reduce the forty-eight-hour interval for emergency or subsequent inquiries to the original  
7 locate request and may lengthen the forty-eight-hour interval for nonexcavation requests.

8 Section 3. That § 49-7A-27 be amended to read as follows:

9 49-7A-27. The board shall accept the recommendations of the panel unless either party  
10 requests a hearing. The A party requests a hearing by rejecting the panel's recommendation  
11 within twenty days from the date of service of the notice. However, the board may extend the  
12 time period for requesting a hearing. Failure to request a hearing is considered acceptance of the  
13 panel's recommendation. If a hearing is held, the hearing shall be conducted before the board  
14 as a contested case under chapter 1-26. Following the hearing, the board shall either render a  
15 decision dismissing the complaint for insufficient evidence or shall impose a penalty pursuant  
16 to the provisions of § 49-7A-18 or 49-7A-19.