AN ACT

ENTITLED, An Act to revise certain provisions related to the establishment of proof of compliance with applicable standards as due care in certain utility negligence claims.

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

Section 1. That § 47-21-75 be amended to read as follows:

47-21-75. Construction of electric lines by a cooperative shall comply with the standards of the National Electrical Safety Code in effect at the time of the construction. Proof of compliance with the requirements of the applicable National Electrical Safety Code establishes due care in the defense of a negligence claim alleging a violation of that standard.

Section 2. That § 31-26-5 be amended to read as follows:

31-26-5. The grantee under § 31-26-1 shall construct and maintain the grantee's poles, wires, or underground cable and line in accordance with the applicable National Electrical Safety Code adopted by the Bureau of Standards of the United States Department of Commerce. Proof of compliance with the requirements of the applicable National Electrical Safety Code standard establishes due care in the defense of a negligence claim alleging a violation of that standard.

Section 3. That § 31-26-22 be amended to read as follows:

31-26-22. The Transportation Commission may promulgate rules and the Department of Transportation may issue permits, to allow electrical lines, pipelines, communication lines and other utilities, including rural water service pipelines, whether above or below ground, to operate the facilities over, under, or along public grounds, streets, alleys and highways under its jurisdiction in this state. Any rule promulgated pursuant to this section shall set forth application and issuance of permit criteria and installation standards necessary to preserve a safe traffic environment, the appearance of the highway, and the efficiency and economy of highway maintenance and shall be promulgated pursuant to chapter 1-26. Proof of compliance with the requirements of the applicable

National Electrical Safety Code standard establishes due care in the defense of a negligence claim alleging a violation of that standard.

An Act to revise certain provisions related to the establishment of proof of compliance with applicable standards as due care in certain utility negligence claims.

I certify that the attached Act originated in the

HOUSE as Bill No. 1102

_____
Chief Clerk

_____
Speaker of the House

Attest:

_____
Chief Clerk

_____
President of the Senate

Attest:

_____
Secretary of the Senate

House Bill No. 1102
File No. ____
Chapter No. _____

Received at this Executive Office this _____ day of _____ ,

20____ at _____ M.

By _____
for the Governor

The attached Act is hereby approved this _____ day of _____ , A.D., 20___

_____
Governor

STATE OF SOUTH DAKOTA,
ss.
Office of the Secretary of State

Filed _____ , 20___
at _____ o'clock __ M.

_____
Secretary of State

By _____
Asst. Secretary of State