



2026 South Dakota Legislature

Senate Bill 9

Introduced by: The Chair of the Committee on Commerce and Energy at the request of the Department of Public Safety

1 **An Act to revise provisions regarding notices to the one-call notification center.**

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

3 **Section 1. That § 49-7A-5 be AMENDED:**

4 **49-7A-5.** No excavator may begin any excavation without first notifying the one-
 5 call notification center of the proposed excavation. The excavator shall give notice by
 6 telephone or by other methods approved by the board, pursuant to rules promulgated
 7 pursuant to chapter 1-26, to the one-call notification center, at least forty-eight hours
 8 prior to the commencement of the excavation, ~~excluding Saturdays, Sundays, and legal~~
 9 ~~holidays of the state.~~ The forty-eight-hour period begins at 12:01 a.m. the day after notice
 10 is submitted to the notification center, excluding any Saturday, Sunday, or legal holiday
 11 of the state.

12 The board may promulgate rules, pursuant to chapter 1-26, to reduce the forty-
 13 eight-hour ~~interval~~ period for emergency or subsequent inquiries to the original locate
 14 request, and may lengthen the forty-eight-hour ~~interval~~ period for nonexcavation
 15 requests.

16 **Section 2. That § 49-7A-8 be AMENDED:**

17 **49-7A-8.** An operator shall, upon receipt of the notice, advise the excavator of the
 18 location of underground facilities in the proposed excavation area by marking the location
 19 of the facilities with stakes, flags, paint, or other clearly identifiable ~~marking~~ markings
 20 within eighteen inches horizontally from the exterior sides of the underground facilities.
 21 The board shall promulgate rules, pursuant to chapter 1-26, to establish the response
 22 time for operators to mark the underground facilities. The operator's response time ~~shall~~
 23 ~~be no later than forty-eight hours after the receipt of the notice, excluding Saturdays,~~
 24 ~~Sundays, and legal holidays of the state or the excavation start time provided by the~~

1 ~~excavator, whichever is later~~ must be within one of the following periods, whichever is
2 later:

3 (1) The forty-eight-hour period beginning at 12:01 a.m. the day after notice is
4 received; or

5 (2) The period between notice being given and the excavation start time provided by
6 the excavator.

7 The forty-eight-hour period does not include Saturdays, Sundays, or legal holidays
8 of the state. The response time may be less than ~~forty-eight hours~~ the forty-eight-hour
9 period for emergency or subsequent inquiries to the original locate request, and may be
10 longer than ~~forty-eight hours~~ the forty-eight-hour period for nonexcavation requests.

11 Excavators shall maintain a minimum horizontal clearance of eighteen inches
12 between a marked underground facility and the cutting edge of any mechanical
13 equipment. If excavation is required within eighteen inches, horizontally, the excavator
14 ~~shall~~ must expose the facility with hand tools or noninvasive methods approved pursuant
15 to rule, and ~~shall~~ protect and support the facility prior to further excavation with
16 mechanical equipment.