



2026 South Dakota Legislature
Senate Bill 9
ENROLLED

AN ACT

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

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

Section 1. That § 49-7A-5 be AMENDED:

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

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

Section 2. That § 49-7A-8 be AMENDED:

49-7A-8. An operator shall, upon receipt of the notice, advise the excavator of the location of underground facilities in the proposed excavation area by marking the location of the facilities with stakes, flags, paint, or other clearly identifiable markings within eighteen inches horizontally from the exterior sides of the underground facilities. The board shall promulgate rules, pursuant to chapter 1-26, to establish the response time for operators to mark the underground facilities. The operator's response time must be within one of the following periods, whichever is later:

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

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

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

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

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

I certify that the attached Act originated in the:

Received at this Executive Office this ____ day of _____,

Senate as Bill No. 9

2026 at _____ M.

Secretary of the Senate

By _____
for the Governor

President of the Senate

The attached Act is hereby approved this _____ day of _____, A.D., 2026

Attest:

Secretary of the Senate

Governor

STATE OF SOUTH DAKOTA,

ss.

Office of the Secretary of State

Speaker of the House

Attest:

Filed _____, 2026
at _____ o'clock __ M.

Chief Clerk of the House

Secretary of State

Senate Bill No. 9
File No. _____
Chapter No. _____

By _____
Asst. Secretary of State