

State of South Dakota

NINETY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 2019

400B0313

HOUSE BILL NO. 1021

Introduced by: The Committee on Commerce and Energy at the request of the Bureau of
Administration

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding bid bonds for public
2 improvement contracts.

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

4 Section 1. That § 5-18B-9 be amended to read:

5 5-18B-9. No bidder on a public improvement contract may be required, either in the
6 invitation for bids or otherwise, to leave a certified check or cashier's check, or bid bond, posted
7 for a longer period than ~~that~~ allowed by in § 5-18A-5 if the bid is not accepted. The check or bid
8 bond of the successful bidder shall be returned upon the execution of the contract and surety
9 hereafter provided for. The checks ~~or bid bonds~~ of all unsuccessful bidders shall be, by the
10 purchasing agency, immediately returned to the respective makers thereof ~~and not~~ and the bid
11 bonds of all unsuccessful bidders shall be, by the purchasing agency, immediately destroyed.
12 No more than forty-five days ~~shall~~ may elapse between the opening of the bids and either the
13 acceptance of the bid of the lowest responsible bidder or the rejection of all of the bids
14 presented.

