Chapter 183

(Senate Bill 9)

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~~, excluding Saturdays, Sundays, and legal holidays of the state~~. 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 ~~interval~~ period for emergency or subsequent inquiries to the original locate request, and may lengthen the forty-eight-hour ~~interval~~ 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 ~~marking~~ 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 ~~shall be no later than forty-eight hours after the receipt of the notice, excluding Saturdays, Sundays, and legal holidays of the state or the excavation start time provided by the excavator, whichever is later~~ 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 ~~forty-eight hours~~ the forty-eight-hour period for emergency or subsequent inquiries to the original locate request, and may be longer than ~~forty-eight hours~~ 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 ~~shall~~ must expose the facility with hand tools or noninvasive methods approved pursuant to rule, and ~~shall~~ protect and support the facility prior to further excavation with mechanical equipment.

Signed February 11, 2026

Underscores indicate new language.
~~Overstrikes~~ indicate deleted language.