



## Department of Transportation

Office of Legal Counsel

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### MEMORANDUM

TO: Patricia Saukel

FROM: Karla L. Engle

DATE: September 14, 2017

RE: September 25, 2017, Commission Meeting

The Department of Transportation requests that the Transportation Commission propose a hearing date to consider amendment or repeal of rules found in chapters 70:01:02, 70:07:01, 70:07:02, and 70:07:03 of the Administrative Rules of South Dakota. The proposed rule changes concern speed zones and contractor bidding capacity requirements for highway construction contracts.

A copy of the proposed rule revisions is enclosed with this memo.

KLE  
Enclosure

**CHAPTER 70:01:02****SPEED LIMITS**

**70:01:02:01. Minnehaha County.** The following are the maximum speeds on certain highways in Minnehaha County:

(1) State Trunk Highway 42 beginning 2.17 miles east of the intersection with State Trunk Highway 11 going south, then east for 2.79 miles, 55 miles per hour; then east for 0.15 mile, 45 miles per hour; then east for 0.37 mile through Rowena, 30 miles per hour; then east for 0.18 mile, 45 miles per hour; then east for 2.54 miles to the South Dakota/Iowa border, 55 miles per hour;

(2) State Trunk Highway 38 beginning 0.2 mile west of Western Avenue then east to Western Avenue, 45 miles per hour; then southeasterly through Hartford for ~~4.4~~ 1.31 miles, 35 miles per hour; then southeasterly for 0.53 mile, 50 miles per hour;

(3) State Trunk Highway 38 beginning at a point 0.2 mile west of the west junction with State Trunk Highway 19, then east for 0.9 mile to west of Washington Street in Humboldt, 55 miles per hour; then east for 0.4 mile, 35 miles per hour; then east for 0.2 mile, 55 miles per hour;

(4) Repealed;

(5) Repealed;

(6) State Trunk Highway 11 beginning at the intersection with Aspen Boulevard at Brandon, then north for 0.63 mile through Brandon to Needles Drive, 30 miles per hour; then north 0.78 mile to the centerline of Interstate Highway 90, 45 miles per hour;

(7) Repealed;

(8) Repealed;

(9) State Trunk Highway 11 beginning at the centerline of Interstate Highway 90, then north 0.32 mile, 45 miles per hour; then north through Corson for 0.55 mile, 35 miles per hour; then north 0.1 mile, 45 miles per hour;

(10) State Trunk Highway 115 beginning 0.4 mile southeasterly of the intersection with Fourth Street in Dell Rapids, then northwesterly for 0.2 mile, 45 miles per hour; then northwesterly for 0.2 mile to Fourth Street, 30 miles per hour; then west for 0.2 mile, 30 miles per hour; then west for 0.45 mile, 45 miles per hour;

(11) State Trunk Highway 115 beginning at the Lincoln County Line, 57<sup>th</sup> Street in Sioux Falls, then north to Interstate 229, 40 miles per hour; then north to Russell Street, 30 miles per hour; then northeasterly via North Drive to Cliff Avenue, 35 miles per hour; then north to a point 0.35 mile north of the junction of Interstate 90, 40 miles per hour; then north to a point 0.6 mile north of Minnehaha County road 130 (Renner Corner), 55 miles per hour;

(12) State Trunk Highway 42 beginning at its junction with Minnehaha County Highway 139 (Ellis Road), then east to the Skunk Creek Bridge, 45 miles per hour; then east to Kiwanis Avenue in Sioux Falls, 35 miles per hour; then east to the end of State Trunk Highway 42 at its junction with State Trunk Highway 38 at West Avenue, 30 miles per hour;

(13) State Trunk Highway 42 beginning at the intersection with West Avenue in Sioux Falls, then east to Spring Avenue, 30 miles per hour; then east to Second Avenue, 20 miles per hour; then east to Cleveland Avenue, 30 miles per hour; then east to a point 0.5 mile east of the intersection with Sycamore Avenue, 35 miles per hour; then east to the junction with State Trunk Highway 11 South, 45 miles per hour; then east 2.17 miles, 55 miles per hour;

(14) State Trunk Highway 11 beginning at the intersection with Aspen Boulevard at Brandon, then southwesterly for 0.3 mile, 30 miles per hour; then southwesterly 0.9 mile, 45 miles per hour; then south to the junction of State Trunk Highway 42, 55 miles per hour;

(15) Repealed;

(16) The crossroad over Interstate Highway 90 at Exit 402 beginning at a point 0.2 mile north of the centerline of Interstate Highway 90, then south 0.4 mile, 40 miles per hour;

(17) The crossroad over Interstate Highway 90 at Exit 410 beginning at a point 0.2 mile north of the centerline of Interstate Highway 90, then south 0.4 mile, 25 miles per hour;

(18) State Trunk Highway 11 beginning 0.78 mile south of Dows Street in Garretson, then north 0.58 mile, 55 miles per hour; then north 0.56 mile, 45 miles per hour; then north 0.46 mile, 55 miles per hour;

(19) State Trunk Highway 11 beginning at the Minnehaha - Lincoln County line, then north for 1.66 miles, 55 miles per hour, then north for 1.4 miles to Arrowhead Parkway in Sioux Falls, 45 miles per hour;

(20) State Trunk Highway 42 beginning 0.9 mile west of the intersection with Minnehaha County Highway 139, then east for 0.8 mile, 55 miles per hour, then east for 0.1 mile, 45 miles per hour.

**Source:** SL 1975, ch 16, § 1; 2 SDR 86, effective June 24, 1976; 4 SDR 20, effective October 3, 1977; 4 SDR 26, effective October 31, 1977; 4 SDR 77, effective March 2, 1978; 5 SDR 31, effective October 30, 1978; 6 SDR 63, effective December 30, 1979; 6 SDR 109, effective May 29, 1980; 7 SDR 1, effective July 20, 1980; 8 SDR 45, effective October 28, 1981; 9 SDR 7, effective July 27, 1982; 11 SDR 112, effective February 25, 1985; 13 SDR 52, effective November 6, 1986; 13 SDR 129, 13 SDR 134, effective July 1, 1987; 14 SDR 14,

effective August 2, 1987; 14 SDR 65, effective November 5, 1987; 15 SDR 158, effective April 26, 1989; 16 SDR 40, effective September 7, 1989; 17 SDR 127, effective March 3, 1991; 19 SDR 154, effective April 11, 1993; 20 SDR 183, effective May 9, 1994; 22 SDR 165, effective June 2, 1996; 22 SDR 183, effective June 30, 1996; 23 SDR 132, effective February 27, 1997; 24 SDR 15, effective August 10, 1997; 26 SDR 85, effective December 29, 1999; 26 SDR 110, effective March 6, 2000; 28 SDR 181, effective July 4, 2002; 29 SDR 43, effective October 8, 2002; 29 SDR 160, effective June 2, 2003; 34 SDR 303, effective June 9, 2008; 36 SDR 27, effective August 20, 2009; 37 SDR 182, effective April 20, 2011; 38 SDR 8, effective August 3, 2011; 38 SDR 172, effective April 24, 2012; 41 SDR 34, effective September 2, 2014; 41 SDR 173, effective May 11, 2015.

**General Authority:** SDCL 32-25-7.

**Law Implemented:** SDCL 32-25-7.

**70:01:02:02. Pennington County.** The following are the maximum speeds on certain highways in Pennington County:

(1) Old U.S. Highway 16 through Rockerville between its two junctions with present U.S. Highway 16 westbound, 40 miles per hour;

(2) Repealed;

(3) State Trunk Highway 44, beginning at the intersection of Cambell Street, then ~~3.3~~ 3.6 miles southeast to the intersection of Longview Drive, 45 miles per hour; then east ~~0.82~~ 0.52 mile, 55 miles per hour;

(4) Repealed;

(5) Interstate Highway 90 service road beginning on the north side of Interstate Highway 90 at the intersection with the crossover road at interstate milepost 60.87, then east 3.46 miles, 45 miles per hour;

(6) The crossroad over Interstate Highway 90 at interstate milepost 60.87 beginning at the junction with Edwards Street, then north 0.25 mile, 35 miles per hour;

(7) Repealed;

(8) Repealed;

(9) Repealed;

(10) U.S. Highway 16A beginning at the junction with U.S. Highway 16, then southerly for 0.43 mile, 35 miles per hour; then southerly for 1.69 miles, 45 miles per hour; then southerly for 0.35 mile, 35 miles per hour; then southerly for 0.86 mile, 25 miles per hour, except from June 1 to August 31 of each year from Swanzy Street to Winter Street, 20 miles per hour; then south and east for 0.58 mile, 35 miles per hour; then southeasterly to the Pennington-Custer county line, including that portion of U.S. Highway 16A which loops back into Pennington County for 0.8 mile, 25 miles per hour;

(11) State Trunk Highway 240 beginning at the junction with Interstate Highway 90 in Wall, then south for 0.3 mile, 35 miles per hour; the south for 6.67 miles, 55 miles per hour;

(12) Repealed;

(13) State Highway Maintenance Route 231 beginning at the intersection of West Chicago Street with Sturgis Road, then easterly for 1,200 feet, 35 miles per hour; then easterly for 4,070 feet, 50 miles per hour; then easterly to the intersection of Mt. View Road, 40 miles per hour;

(14) U.S. Highway 16 beginning at the intersection of Mt. Rushmore Road and Omaha Street, then southerly to the intersection of Mt. Rushmore Road and Kansas City Street, 25 miles

per hour; then southerly to the intersection of Mt. Rushmore Road and Columbus Street, 30 miles per hour; then southerly to the intersection of Cathedral Drive, 35 miles per hour;

(15) State Trunk Highway 44 beginning at the intersection of Omaha Street and Mt. View Road, then easterly to the intersection of Omaha Street and Twelfth Street, 40 miles per hour; then easterly to the intersection of Omaha Street and LaCrosse Street, 35 miles per hour; then easterly to the intersection of Omaha Street and Cambell Street, 40 miles per hour;

(16) State Trunk Highway 87 beginning at the junction with U.S. Highway 385 to the south boundary line of Pennington County, 45 miles per hour;

(17) State Highway Maintenance Route 231 beginning at the Pennington-Meade county line, then southeast for 3.08 miles, 50 miles per hour; then southeast for 0.62 mile, 45 miles per hour; then southeast for 0.35 mile to the intersection with Chicago Street, 35 miles per hour;

(18) U.S. Highway 16 B beginning at the intersection of U.S. Highway 16 south of Rapid City, then northeasterly for 0.53 mile to Mile Reference Marker 64.72, 45 miles per hour; then northeasterly for 5.08 miles to Mile Reference Marker 69.80, 60 miles per hour; then north for 2.93 miles to Mile Reference Marker 72.73, 55 miles per hour; then north for 0.47 miles to Interstate Highway 90, 45 miles per hour;

(19) The crossroad over Interstate Highway 90 at interstate milepost 64.16 beginning at the junction of the service road on the north side of the interstate highway and extending 0.2 mile south, 35 miles per hour;

(20) U.S. Highway 385 beginning at the intersection of U.S. Highway 16 at Three Forks, then north for 16.85 miles to the Lawrence County Line, 55 miles per hour;

(21) U.S. Highway 16 and U.S. Highway 385 beginning 3.7 miles south of the junction with State Trunk Highway 244, at the Custer County line, then northerly for 3.25 miles, 60 miles

per hour; then northerly to a point 0.35 mile north of the junction with State Trunk Highway 244, 45 miles per hour; then northerly for 2.42 miles, 55 miles per hour;

(22) State Trunk Highway 244 beginning at the junction with U.S. Highway 16 and 385, then easterly for 0.65 mile, 40 miles per hour; then easterly for 4.74 miles, 50 miles per hour; then easterly for 2 miles to the west entrance of the Mt. Rushmore Memorial, 40 miles per hour; then easterly for 0.57 mile, 35 miles per hour; then easterly for 1.09 miles, 25 miles per hour; then easterly for 1.34 miles to the junction with U.S. Highway 16A, 35 miles per hour;

(23) Highway 16 service road beginning at the crossover approximately 200 feet south of the Pine Lawn Memorial Cemetery south of Rapid City, then south for 2.1 miles, to the end of the service road, 35 miles per hour;

(24) U.S. Highway 16 beginning 5.72 miles east of the U.S. Highway 385 junction of Three Forks, then westerly for 5.28 miles, 55 miles per hour; then westerly for 1.54 miles through the Three Forks junction, 45 miles per hour; then westerly for 1.62 miles, 50 miles per hour;

(25) Truck speed for eastbound trucks with dual tires on the driver axle on U.S. Highway 16 beginning at a point 2 miles west of the junction with Cathedral Drive in Rapid City, then east 2 miles to the junction of Cathedral Drive, 35 miles per hour;

(26) State Trunk Highway 44 beginning at the junction with U.S. Highway 385, then easterly for 4.26 miles, 50 miles per hour; then easterly for 0.54 miles, 40 miles per hour; then easterly for 7.72 miles, 50 miles per hour; then easterly for 0.95 miles, 45 miles per hour; then easterly for 0.47 miles, 40 miles per hour; then easterly for 3.1 miles to the intersection of Mountain View Road and Omaha Street in Rapid City, 35 miles per hour;



(27) State Trunk Highway 40 beginning 8.9 miles northwest of the south junction with State Trunk Highway 79 at Hermosa, then southeast for 2.42 miles to the Pennington-Custer county line, 55 miles per hour;

(28) Interstate Highway 90 crossover road at Exit 78 (New Underwood Road) beginning 0.07 mile south of the centerline of Interstate Highway 90, then north 0.16 mile, 45 miles per hour;

(29) Repealed;

(30) The crossroad over Interstate Highway 90 at Exit 84 (Pennington County Road 497) beginning 0.09 mile south of the centerline of Interstate Highway 90, then north 0.19 mile, 25 miles per hour;

(31) The crossroad over Interstate Highway 90 at Exit 88 (Pennington County Road 473) beginning 0.11 mile south of the centerline of Interstate Highway 90, then north 0.25 mile, 25 miles per hour;

(32) The crossroad over Interstate Highway 90 at Exit 107 (Pennington County Road 506) beginning 0.19 mile south of the centerline of Interstate Highway 90, then north 0.38 mile, 35 miles per hour;

(33) State Trunk Highway 79 beginning 500 feet south of the junction of Minnesota Avenue in Rapid City then south to the junction of State Trunk Highway 16B, 55 miles per hour; then south on State Highway 79 for 1.29 miles, 55 miles per hour;

(34) Repealed;

(35) Repealed;

(36) Repealed;

(37) U.S. Highway 16 beginning at milepost 40.3 at the south edge of Hill City, then northeasterly for 0.20 mile to south junction of U.S. Highway 16 Truck Route, 35 miles per hour; then northerly for 0.55 mile to north junction of U.S. Highway 16 Truck Route, 25 miles per hour; then northeasterly for 0.53 mile, 35 miles per hour; then northeasterly for 0.44 mile, 45 miles per hour; and on U.S. Highway 16 Truck Route from south junction with U.S. Highway 16 northerly 0.6 mile to north junction with U.S. Highway 16, 35 miles per hour;

(38) U.S. Highway 16 beginning at Cathedral Drive, then southerly 0.3 mile, 35 miles per hour; then southerly for 1.35 miles, 50 miles per hour; then southerly for 4.47 miles, 60 miles per hour;

(39) State Highway 445 (Deadwood Avenue) beginning at the terminals of the west bound ramps of Interstate Highway 90 at Exit 55, then southeast for 2.3 miles to the junction with West Chicago Street, 45 miles per hour.

**Source:** SL 1975, ch 16, § 1; 1 SDR 29, effective October 6, 1974; 1 SDR 48, effective January 1, 1975; 2 SDR 29, effective October 16, 1975; 3 SDR 75, effective May 1, 1977; 4 SDR 60, effective March 26, 1978; 6 SDR 5, effective July 30, 1979; 6 SDR 85, effective February 24, 1980; 6 SDR 109, effective May 29, 1980; 7 SDR 89, effective March 30, 1981; 9 SDR 35, effective September 19, 1982; 9 SDR 76, effective December 23, 1982; 9 SDR 111, effective February 27, 1983; 9 SDR 132, effective April 24, 1983; 10 SDR 7, effective July 31, 1983; 11 SDR 62, effective November 4, 1984; 11 SDR 112, effective February 25, 1985; 11 SDR 156, effective May 26, 1985; 12 SDR 138, effective February 23, 1986; 12 SDR 174, effective May 5, 1986; 13 SDR 52, effective November 6, 1986; 13 SDR 129, 13 SDR 134, effective July 1, 1987; 14 SDR 111, effective February 28, 1988; 16 SDR 88, effective November 12, 1989; 16 SDR 102, effective December 20, 1989; 16 SDR 152, effective March 28, 1990; 17 SDR 34,

effective September 9, 1990; 17 SDR 62, effective November 5, 1990; 17 SDR 82, effective December 20, 1990; 17 SDR 127, effective March 3, 1991; 17 SDR 151, effective April 8, 1991; 18 SDR 78, effective November 4, 1991; 22 SDR 165, effective June 2, 1996; 22 SDR 183, effective June 30, 1996; 24 SDR 132, effective April 5, 1998; 25 SDR 108, effective March 1, 1999; 27 SDR 15, effective August 30, 2000; 30 SDR 89, effective December 7, 2003; 32 SDR 183, effective May 10, 2006; 33 SDR 125, effective January 29, 2007; 34 SDR 279, effective May 8, 2008; 40 SDR 58, effective October 9, 2013; 44 SDR 17, effective August 8, 2017.

**General Authority:** SDCL 32-25-7.

**Law Implemented:** SDCL 32-25-7.

**70:01:02:03. Brown County.** The following are the maximum speeds on certain highways in Brown County:

(1) U.S. Highway 12 in Aberdeen beginning 1.2 miles west of the west junction of U.S. Highway 12 and U.S. Highway 281, then east for 1.0 mile, 55 miles per hour; then east for 0.2 mile to the junction, 45 miles per hour; then east for 3.09 miles, 30 miles per hour; then east for 1.1 miles, 35 miles per hour; then east for 0.8 mile, 45 miles per hour; then east for 1.1 miles, 55 miles per hour; then east for 3.27 miles, 65 miles per hour; then east to a point 0.38 mile west of the junction with State Trunk Highway 37 in Groton, 70 miles per hour;

(2) U.S. Highway 12 beginning 0.38 mile west of the junction with State Trunk Highway 37 in Groton, then east for 0.17 mile, 50 miles per hour; then east for 0.51 mile, 35 miles per hour; then east for 0.22 mile, 45 miles per hour; then east for 1.2 miles, 60 miles per hour; then east to the Day County line, 70 miles per hour;

(3) U.S. Highway 281 beginning at the junction of U.S. Highway 12 (6th Avenue) and U.S. Highway 281 (2nd Street) in Aberdeen, then north 1.0 mile, 30 miles per hour; then north 1.92 miles, 45 miles per hour; then north 2.3 miles, 55 miles per hour;

(4) State Trunk Highway 37 beginning 0.5 mile north of the junction with U.S. Highway 12 in Groton, then south for 0.15 mile, 50 miles per hour; then south for 1.22 miles, 35 miles per hour; then south for 0.21 mile, 50 miles per hour;

(5) State Trunk Highway 37 through Hecla beginning 0.1 mile south of Brown County Highway 5, then north 0.6 mile, 45 miles per hour;

(6) On the service road which is parallel and adjacent to U.S. Highway 281, beginning 0.06 mile south of the centerline of U.S. Highway 12, then south on the service road 2.45 miles, 45 miles per hour;

(7) State Trunk Highway 10 through Houghton, beginning 0.34 mile east of Brown County Highway 18, then west for 0.3 mile, 50 miles per hour; then west for 0.46 mile, 35 miles per hour; then west for 0.3 mile, 50 miles per hour;

(8) U.S. Highway 281 beginning at the ~~west~~ south side of the junction of U.S. Highway 12 and U.S. Highway 281 in Aberdeen, then south for 0.3 miles, 45 miles per hour; then south for 1.8 miles, 55 miles per hour; then south for 0.57 mile, 65 miles per hour; then south to the Spink County line, 70 miles per hour;

(9) U.S. Highway 281 Truck Bypass beginning at the ~~west~~ north side of the junction of U.S. Highway 12 and U.S. Highway 281, then north and east for 1.51 miles to the junction with U.S. Highway 281, 45 miles per hour.

**Source:** SL 1975, ch 16, § 1; 7 SDR 25, effective September 22, 1980; 9 SDR 7, effective July 27, 1982; 9 SDR 35, effective September 19, 1982; 9 SDR 111, effective February 27, 1983;

13 SDR 129, 13 SDR 134, effective July 1, 1987; 14 SDR 85, effective December 23, 1987; 19 SDR 89, effective December 21, 1992; 19 SDR 128, effective March 8, 1993; 19 SDR 181, effective May 30, 1993; 20 SDR 96, effective December 29, 1993; 20 SDR 183, effective May 9, 1994; 21 SDR 61, effective October 2, 1994; 22 SDR 165, effective June 2, 1996; 24 SDR 165, effective May 31, 1998; 25 SDR 132, effective May 2, 1999; 26 SDR 124, effective April 2, 2000; 26 SDR 162, effective June 11, 2000; 28 SDR 24, effective August 29, 2001; 30 SDR 21, effective August 25, 2003; 30 SDR 171, effective May 11, 2004; 31 SDR 165, effective May 11, 2005; 32 SDR 53, effective October 10, 2005; 35 SDR 262, effective May 20, 2009.

**General Authority:** SDCL 32-25-7, 32-25-7.1.

**Law Implemented:** SDCL 32-25-7, 32-25-7.1.

**70:01:02:09. Lawrence County.** The following are the maximum speeds on certain highways in Lawrence County:

(1) State Trunk Highway 34 beginning at the west platted limits of St. Onge, then 0.4 mile to the south platted limits, 40 miles per hour;

(2) U.S. Highway 14A beginning at the junction with Colorado Boulevard just east of the east Spearfish city limits, then southerly for approximately 19 miles to the junction with U.S. Highway 85 at Cheyenne Crossing, 35 miles per hour;

(3) U.S. Highway 14A beginning at the junction with U.S. Highway 85 at the north edge of Deadwood, then easterly for 0.09 mile, 35 miles per hour; then easterly for 0.45 mile, 50 miles per hour; then easterly for 6.16 miles, 55 miles per hour; then easterly for 2.09 miles to the Meade County Line, 45 miles per hour;

(4) U.S. Highway 85 beginning at the junction with U.S. Highway 14A near the north city limits of Deadwood, then northerly for 1.19 mile, 45 miles per hour; then northerly for 2.71 miles, 55 miles per hour;

(5) State Trunk Highway 34 beginning 0.4 mile north of the centerline of Interstate Highway 90 at Exit 23, then southerly for 0.15 mile, 45 miles per hour; then southerly for 0.37 mile, 30 miles per hour;

(6) U.S. Highway 14A beginning at the junction of U.S. Highway 85 at Cheyenne Crossing, then northeast for 4.3 miles, 55 miles per hour; then northeast for 2.91 miles, 40 miles per hour; then northeast for 0.49 mile to the junction of U.S. Highway 85 in Lead, 25 miles per hour;

(7) U.S. Highway 85 beginning at the west city limits of Lead, then east for ~~1.85 miles~~ 0.8 mile, 25 miles per hour; then easterly for ~~0.55~~ 0.5 mile, 20 miles per hour; then easterly for 0.8 mile, 25 miles per hour; then easterly to the junction with U.S. Highway 385, Pluma junction, 35 miles per hour;

(8) U.S. Highway 385 beginning at the junction with U.S. Highway 85 in Deadwood, then southeasterly 1.0 mile, 35 miles per hour; then southeasterly 5.87 miles, 45 miles per hour; then southeasterly 12.92 miles to the Pennington County line, 55 miles per hour;

(9) U.S. Highway 85 beginning at the junction of U.S. Highway 385 in the City of Deadwood, then northeasterly for 1.04 miles, 25 miles per hour; then northeasterly for 0.8 mile to the intersection of U.S. Highway 14A, 20 miles per hour;

(10) U.S. Highway 85 beginning at the Wyoming state line, then northeasterly for 6.91 miles, 55 miles per hour; then northeasterly for 9.38 miles to the junction with U.S. Highway 14A at Cheyenne Crossing, 50 miles per hour;

(11) U.S. Highway 14A beginning at the junction with U.S. Highway 85 in Lead, then north for 0.36 mile, 25 miles per hour; then northeasterly for 0.24 mile, 35 miles per hour; then northeasterly for 3.13 miles, 45 miles per hour; then northeasterly for 0.68 mile to the junction of Main Street, 30 miles per hour; then northeasterly for 0.79 mile to the junction of U.S. Highway 85 at the north edge of Deadwood, 35 miles per hour;

(12) Truck speed for eastbound trucks with dual tires on the driver axle on U.S. Highways 85 and 14A beginning at a point 4.3 miles east of the junction of these two highways at Cheyenne Crossing, then east for a distance of 2.32 miles to the Terry Peak Road, 35 miles per hour;

(13) Truck speed for northbound trucks with dual tires on the driver axle on U.S. Highway 385 beginning at a point 3.5 miles south of the junction with U.S. Highway 85 in Pluma, then north for a distance of 2.5 miles, 25 miles per hour;

(14) U.S. Highway 14A beginning at the junction of Colorado Street and Spearfish Canyon Road on the east side of Spearfish, then east for 1.57 miles to the south ramp terminals of Interstate 90 at Exit 14, 45 miles per hour;

(15) U.S. Highway 14 eastbound loop beginning at the south end of the bridge over Interstate 90 at Exit 10, then south for 0.92 mile, 45 miles per hour; and U.S. Highway 14 westbound loop beginning 0.92 mile south of the south end of the bridge over Interstate 90 at Exit 10, then north for 0.92 mile, 45 miles per hour;

(16) U.S. Highway 85 N beginning at the south end of the bridge over Interstate 90 at Exit 10, then north for 0.5 mile, 45 miles per hour; and U.S. Highway 85 S beginning 0.5 mile north of the south end of the bridge over Interstate 90 at Exit 10, then south for 0.5 mile, 45 miles per hour;

(17) State Highway Maintenance Route 473 beginning at the junction of U.S. Highway 14A/85 southwest of Lead, then westerly for 1.58 miles, 40 miles per hour; then westerly for 1.55 miles, 30 miles per hour.

**Source:** SL 1975, ch 16, § 1; 6 SDR 85, effective February 24, 1980; 9 SDR 7, effective July 27, 1982; 11 SDR 22, effective August 12, 1984; portion of subdivision (3) transferred to subdivision 70:01:02:49(10), 13 SDR 129, 13 SDR 134, effective July 1, 1987; 14 SDR 111, effective February 28, 1988; 15 SDR 158, effective April 26, 1989; 17 SDR 127, effective March 3, 1991; 17 SDR 151, effective April 8, 1991; 19 SDR 30, effective August 30, 1992; 21 SDR 97, effective November 27, 1994; 21 SDR 171, effective April 2, 1995; 22 SDR 165, effective June 2, 1996; 22 SDR 183, effective June 30, 1996 ; 23 SDR 132, effective February 27, 1997; 26 SDR 124, effective April 2, 2000; 31 SDR 62, effective November 7, 2004; 34 SDR 279, effective May 8, 2008; 37 SDR 58, effective September 27, 2010.

**General Authority:** SDCL 32-25-7.

**Law Implemented:** SDCL 32-25-7.

**70:01:02:11. Bennett County.** The following are the maximum speeds on certain highways in Bennett County:

(1) U.S. Highway 18 beginning 0.1 mile east of the southwest corner of section 32, township 38 north, range 34 west of the sixth principal meridian and ending 0.2 mile west of that corner, 50 miles per hour;

(2) U.S. Highway 18 in Batesland beginning at the Bennett-Oglala Lakota county line, then east for 0.6 mile, 45 miles per hour;



(3) U.S. Highway 18 beginning 0.7 mile west of the junction with State Trunk Highway 73 in Martin, then east for 0.2 mile, 45 miles per hour; then east for 1.05 miles, 35 miles per hour; then east for 0.85 mile, 45 miles per hour;

(4) State Trunk Highway 73 beginning at the junction of U.S. Highway 18 and State Trunk Highway 73 in Martin, then south for 0.3 mile, 35 miles per hour; then south for 0.45 mile, 45 miles per hour;

(5) Beginning at the junction of U.S. Highway 18 and State Trunk Highway 73 in Martin, then north 0.3 mile, 25 miles per hour; then north 0.2 mile, 35 miles per hour;

(6) Repealed.

**Source:** SL 1975, ch 16, § 1; 2 SDR 71, effective May 1, 1976; 6 SDR 63, effective December 30, 1979; 13 SDR 129, 13 SDR 134, effective July 1, 1987; 22 SDR 165, effective June 2, 1996; 23 SDR 132, effective February 27, 1997; 40 SDR 102, effective December 3, 2013; SL 2015, ch 56, § 1, effective May 1, 2015.

**General Authority:** SDCL 32-25-7.

**Law Implemented:** SDCL 32-25-7.

**70:01:02:13. Brule County.** The following are the maximum speeds on certain highways in Brule County:

(1) Interstate Highway 90 Business Loop through Chamberlain beginning ~~at the west boundary line of Brule County~~ 0.52 mile west of the Missouri River American Legion Memorial Bridge, then southeasterly for ~~0.5~~ 0.4 mile, 45 miles per hour; then southeasterly for ~~0.95 mile~~ 1.15 miles ~~along King Street~~, 30 miles per hour; then southeasterly for ~~0.45~~ 0.4 mile, 45 miles per hour; then southeasterly for 2.58 miles, 55 miles per hour;

(2) Interstate Highway 90 Business Loop (truck traffic only) beginning 0.3 mile west of the west end of the Missouri River Bridge at Chamberlain, then east for 0.2 mile, 30 miles per hour; then east for 0.1 mile, 15 miles per hour; then east to the east end of the Missouri River Bridge, 10 miles per hour; then east for 0.1 mile, 15 miles per hour;

(3) State Trunk Highway 50 beginning at the junction with Interstate Highway 90 Business Loop in Chamberlain, proceeding north on Courtland 0.45 mile to the intersection with Main Street, 20 miles per hour; then north for 0.65 mile to a point 200 feet east of the entrance to St. Joseph Indian School, 35 miles per hour; then east for 0.2 mile, 45 miles per hour;

(4) State Trunk Highway 45 beginning at the south right-of-way line of Interstate Highway 90, Exit 284, then north and northwesterly through Kimball 0.5 mile, 30 miles per hour; then northwesterly for 0.63 miles, 45 miles per hour.

**Source:** SL 1975, ch 16, § 1; 4 SDR 79, effective May 24, 1978; 5 SDR 51, 5 SDR 53, effective January 3, 1979; 6 SDR 109, effective May 29, 1980; 7 SDR 1, effective July 20, 1980; 13 SDR 129, 13 SDR 134, effective July 1, 1987; 16 SDR 40, effective September 7, 1989; 17 SDR 161, effective April 28, 1991; 23 SDR 180, effective May 1, 1997; 31 SDR 165, effective May 11, 2005.

**General Authority:** SDCL 32-25-7.

**Law Implemented:** SDCL 32-25-7.

**70:01:02:15. Butte County.** The following are the maximum speeds on certain highways in Butte County:

(1) U.S. Highway 85 beginning 1 mile north of the junction with U.S. Highway 212 in Belle Fourche, then south for 0.75 mile, 45 miles per hour; then south on U.S. Highway 85 to the south end of the Belle Fourche River bridge, 35 miles per hour; then south to ~~Indian~~ Lawrence

Street, 25 miles per hour; ~~then south to a point 0.18 mile south of National Street, 30 miles per hour;~~ then south to the junction with State Trunk Highway 34, ~~40~~ 35 miles per hour; then south to a point ~~0.3~~ 0.6 mile south of the junction with State Trunk Highway 34, 45 miles per hour;

(2) U.S. Highway 212 beginning 0.19 mile east of Birch Street in Newell, then westerly for 0.5 mile, 50 miles per hour;

(3) State Trunk Highway 34 beginning 0.4 mile west of the junction of U.S. Highway 85 and State Trunk Highway 34, then east to a point 0.4 mile east of the junction, 50 miles per hour;

(4) U.S. Highway 212 beginning at the junction of State Trunk Highway 79 in Newell, then east to a point 0.05 mile east of Girard Street, 30 miles per hour; then east 0.20 mile, 45 miles per hour;

(5) State Trunk Highway 79 beginning at the junction with U.S. Highway 212 in Newell, then north to Ninth Street, 25 miles per hour; then north for 0.20 mile, 45 miles per hour;

(6) State Trunk Highway 79 and U.S. Highway 212 beginning at their junction in Newell, then south to Ash Street, 25 miles per hour; then south to Hope Road, 45 miles per hour;

(7) U.S. Highway 212 beginning at the south junction with U.S. Highway 85 in Belle Fourche, then southeasterly for 0.68 mile, 25 miles per hour; then southeasterly and northeasterly for 0.44 mile, 30 miles per hour; then northeasterly for 0.23 mile, 45 miles per hour;

(8) U.S. Highway 212 beginning 0.4 mile west of the north junction with U.S. Highway 85 in Belle Fourche, then east for 0.2 mile, at 45 miles per hour; then east for 0.2 mile, 35 miles per hour;

(9) U.S. Highway 212 beginning at the junction of U.S. Highway 85 in Belle Fourche, then east for 0.3 mile, 25 miles per hour; then east for 0.2 mile, 40 miles per hour.

**Source:** SL 1975, ch 16, § 1; 7 SDR 25, effective September 22, 1980; 10 SDR 52, effective November 30, 1983; 11 SDR 129, effective April 1, 1985; 13 SDR 129, 13 SDR 134, effective July 1, 1987; 14 SDR 176, effective July 3, 1988; 17 SDR 34, effective September 9, 1990; 21 SDR 13, effective July 31, 1994; 40 SDR 58, effective October 9, 2013.

**General Authority:** SDCL 32-25-7.

**Law Implemented:** SDCL 32-25-7.

**70:01:02:17. Charles Mix County.** The following are the maximum speeds on certain highways in Charles Mix County:

(1) State Trunk Highway 50 beginning 0.5 mile northwest of the junction of State Trunk Highway 50 and State Trunk Highway 46 in Wagner, then southeast for 0.5 mile, 40 miles per hour; then east on State Trunk Highway 46 beginning 1.20 miles west of the junction of State Trunk Highway 46 and State Trunk Highway 50, then east 0.69 mile, 55 miles per hour; then east 0.25 mile, 40 miles per hour; then east 1.62 miles, 30 miles per hour; the east 0.25 mile, 45 miles per hour;

(2) State Trunk Highway 50 beginning one-half mile east of the intersection with Charles Mix County Highway GL29BM and ending at the intersection, 35 miles per hour;

(3) U.S. Highway 18 and U.S. Highway 281 from the west Charles Mix County line, then east for 1.75 miles past Pickstown to the junction with State Trunk Highway 46, 45 miles per hour;

(4) State Trunk Highway 44 through Platte beginning 0.6 mile west of the junction with State Trunk Highway 45, then east for 0.25 mile, 45 miles per hour; then east for 0.95 mile, 30 miles per hour; then east for 0.43 mile, 45 miles per hour;

(5) State Trunk Highway 45 through Platte beginning at the junction of State Trunk Highway 44 and State Trunk Highway 45, then north for 0.32 mile, 20 miles per hour; then north for 0.46 mile, 30 miles per hour; then north for 0.55 mile, 45 miles per hour;

(6) U.S. Corps of Engineers roads located in the Fort Randall Dam Tailrace Area, beginning at U.S. 18-281 in the northwest quarter of section 8, township 95 north, range 65 west of the fifth principal meridian, extending southerly throughout the entire area, 35 miles per hour, as posted;

(7) U.S. Corps of Engineers roads located in the Fort Randall Dam Spillway Area, beginning at U.S. 18-281 in the northwest quarter of section 9, township 95 north, range 65 west of the fifth principal meridian, extending southerly to and throughout the entire area, 35 or 25 miles per hour, as posted;

(8) U.S. Corps of Engineers roads located in the Fort Randall Dam North Point Area, bounded on the south by Lake Francis Case, on the east by U.S. 18-281, on the north and west by the U.S. government boundary, extending to and throughout the entire area, 15, 20, 25, 30, 35, and 45 miles per hour, as posted;

(9) U.S. Corps of Engineers roads located in the Fort Randall Dam White Swan Area, beginning approximately 3,290 feet south of the northwest corner of section 33, township 96 north, range 66 west of the fifth principal meridian, extending southerly toward Lake Francis Case, 25 miles per hour;

(10) U.S. Corps of Engineers roads located in the Fort Randall Dam Pease Creek Area, beginning at the west line of section 11, township 96 north, range 67 west of the fifth principal meridian, extending westerly and southerly throughout the entire area, 15 and 20 miles per hour, as posted;

(11) U.S. Corps of Engineers roads located in the Fort Randall Dam North Wheeler Area, beginning at the north line of section 1, township 96 north, range 68 west of the fifth principal meridian, extending southerly throughout the entire area, 25 miles per hour;

(12) U.S. Corps of Engineers roads located in the Fort Randall Dam Turgeon Wells Area, beginning at the U.S. government boundary line in the northwest quarter of section 25, township 100 north, range 71 west of the fifth principal meridian, extending southerly toward Lake Francis Case, 25 miles per hour;

(13) U.S. Corps of Engineers roads within the U.S. government townsite of Pickstown, located in sections 4 and 9, township 95 north, range 65 west of the fifth principal meridian, 25 miles per hour;

(14) U.S. Highway 18 and U.S. Highway 281, beginning 0.75 mile southwesterly of Third Avenue in Lake Andes, then north and easterly for 0.5 mile, 50 miles per hour; then easterly for 0.75 mile, 40 miles per hour; then east for 0.4 mile, 50 miles per hour;

(15) State Trunk Highway 50, beginning 0.45 mile west of Third Avenue in Lake Andes, then east 0.2 mile to Pickstown Avenue, 50 miles per hour; then for 0.35 mile through Lake Andes to the intersection of U.S. Highway 18 and U.S. Highway 281, 35 miles per hour;

(16) Pickstown Avenue in Lake Andes from State Trunk Highway 50 south 0.43 mile to U.S. Highway 18 and U.S. Highway 281, 50 miles per hour;

(17) State Trunk Highway 1804 beginning at milepost 86.01, then north 3.79 miles to the end of State Trunk Highway 1804 at the intersection with State Trunk Highway 50, 55 miles per hour;

(18) State Trunk Highway 1804 beginning at the resume of State Trunk Highway 1804 at milepost 112.13, then north 8.04 miles to the end of State Trunk Highway 1804 at the intersection with State Trunk Highway 44, 55 miles per hour.

(19) State Trunk Highway 46, beginning at the intersection with U.S. Highway 18 at Pickstown, then east 0.23 mile, 45 miles per hour.

**Source:** SL 1975, ch 16, § 1; 3 SDR 10, effective August 11, 1976; 7 SDR 25, effective September 22, 1980; 8 SDR 45, effective October 28, 1981; 8 SDR 154, effective May 26, 1982; 10 SDR 7, effective July 31, 1983; 13 SDR 179, effective June 1, 1987; 13 SDR 129, 13 SDR 134, effective July 1, 1987; 14 SDR 85, effective December 23, 1987; 18 SDR 134, effective February 24, 1992; 22 SDR 165, effective June 2, 1996; 28 SDR 24, effective August 29, 2001; 28 SDR 129, effective March 24, 2002; 30 SDR 22, effective August 25, 2003; 34 SDR 135, effective November 19, 2007.

**General Authority:** SDCL 32-25-7.

**Law Implemented:** SDCL 32-25-7.

**70:01:02:19. Clay County.** The following are the maximum speeds on certain highways in Clay County:

(1) State Trunk Highway 50 beginning at the Yankton County line, then southeast to a point 0.15 mile northwest of the intersection with Wakonda Road, 70 miles per hour; then southeast 0.3 mile through Meckling, 55 miles per hour; then southeast to the junction with State Trunk Highway 50 Business Route west of Vermillion, 70 miles per hour;

(2) State Trunk Highway 50 Business Route through Vermillion beginning at its off ramp intersection with State Trunk Highway 50 at milepost 406.7, then south and east to a point 0.4 mile west of the junction with State Trunk Highway 19, 55 miles per hour; then east for 0.3 mile,

45 miles per hour; then east 0.95 mile to Cottage Avenue, 35 miles per hour; then east for approximately 0.64 mile to Plum Street, 25 miles per hour; then east for approximately 0.77 mile to Crawford Road, 35 miles per hour; then east 0.14 mile, 45 miles per hour;

(3) State Trunk Highway 46 beginning at the west Clay County line, then east 0.45 mile through Irene, 25 miles per hour; then east 0.2 mile, 40 miles per hour;

(4) State Trunk Highway 50 beginning at the junction with State Trunk Highway 50 Business Route west of Vermillion, then east for approximately 2.31 miles to a point 0.2 mile west of the junction of State Trunk Highway 19, 65 miles per hour; then east-southeasterly for approximately ~~2.3~~ 2.10 miles to a point 0.14 mile west of the intersection with Crawford Road, ~~55~~ 50 miles per hour; then south and east for ~~0.96~~ 0.95 mile on the ramp over State Trunk Highway 50 Business Route, 45 miles per hour; then east on State Trunk Highway 50 for 0.21 mile, 55 miles per hour; then east to the Union County line, 70 miles per hour;

(5) State Trunk Highway 19 beginning at the junction with State Trunk Highway 50 Business Loop in Vermillion, then north for 0.48 mile to the junction with State Trunk Highway 50, 45 miles per hour.

**Source:** SL 1975, ch 16, § 1; 3 SDR 62, effective March 15, 1977; 12 SDR 7, effective July 28, 1985; 13 SDR 129, 13 SDR 134, effective July 1, 1987; 22 SDR 165, effective June 2, 1996; 25 SDR 83, effective December 20, 1998; 26 SDR 110, effective March 6, 2000; 32 SDR 53, effective October 10, 2005; 32 SDR 109, effective December 26, 2005.

**General Authority:** SDCL 32-25-7, 32-25-7.1.

**Law Implemented:** SDCL 32-25-7, 32-25-7.1.

**70:01:02:22. Day County.** The following are the maximum speeds on certain highways in Day County:



(1) U.S. Highway 12 in Webster, beginning 1.5 miles west of its junction with State Trunk Highway 25, then east for 1.01 miles, 55 miles per hour; then east for 0.36 mile, 45 miles per hour; then east for 0.71 mile, 40 miles per hour; then east for 0.35 mile, 60 miles per hour; then east to a point ~~3.1~~ 3.3 miles west of Day County Road 3A, 70 miles per hour; then east for ~~2.9~~ 3.2 miles, 65 miles per hour; then east for 0.71 mile, 55 miles per hour; then east for 0.46 mile, 45 miles per hour; then east for 1.15 miles, 60 miles per hour; then east to the Roberts County line, 70 miles per hour;

(2) State Trunk Highway 25 beginning 0.1 mile east of the present east city limits in Roslyn, then west for 0.1 mile, 50 miles per hour; then west for 0.3 mile, 35 miles per hour; then west for 0.1 mile, 50 miles per hour;

(3) State Trunk Highway 25 in Webster beginning 0.44 mile north of the junction of U.S. Highway 12 and State Trunk Highway 25, then south for 0.19 mile, 45 miles per hour; then south for 0.25 mile to the junction, 35 miles per hour; then south from the junction for 1.17 miles, 25 miles per hour; then south for 0.24 mile, 45 miles per hour;

(4) Repealed;

(5) U.S. Highway 12 beginning at the Brown County line, then east to a point 1.5 miles west of the junction with State Trunk Highway 25, 70 miles per hour.

**Source:** SL 1975, ch 16, § 1; 6 SDR 5, effective July 30, 1979; 7 SDR 25, effective September 22, 1980; 11 SDR 73, effective November 29, 1984; 12 SDR 174, effective May 5, 1986; 13 SDR 129, 13 SDR 134, effective July 1, 1987; 21 SDR 188, effective May 7, 1995; 22 SDR 165, effective June 2, 1996; 31 SDR 165, effective May 11, 2005; 32 SDR 32, effective August 30, 2005; 32 SDR 53, effective October 10, 2005; 33 SDR 230, effective July 2, 2007.

**General Authority:** SDCL 32-25-7, 32-25-7.1.

**Law Implemented:** SDCL 32-25-7, 32-25-7.1.

**70:01:02:23. Deuel County.** The following are the maximum speeds on certain highways in Deuel County:

(1) State Trunk Highway 28 in Toronto beginning 0.6 mile east of Deuel County Highway 317, then west for 0.3 mile, 50 miles per hour; then west for 0.2 mile, 30 miles per hour; then west for 0.2 mile, 25 miles per hour; then west for 0.2 mile, 30 miles per hour; then west for 0.3 mile, 50 miles per hour;

(2) State Trunk Highway 15 beginning 0.7 mile south of State Trunk Highway 22, then north for 0.62 mile, 50 miles per hour; then north for 0.33 mile, 40 miles per hour; then north for 0.13 mile, 30 miles per hour; then north for 0.49 mile, 25 miles per hour; then north for 0.44 mile, 45 miles per hour;

(3) State Trunk Highway 22 beginning 0.5 mile west of the State Trunk Highway 15 junction, then east to the junction of State Trunk Highway 15, then east ~~0.23 miles~~ 0.5 mile, 50 miles per hour.

**Source:** SL 1975, ch 16, § 1; 6 SDR 109, effective May 29, 1980; 7 SDR 25, effective September 22, 1980; 12 SDR 190, effective June 1, 1986; 13 SDR 129, 13 SDR 134, effective July 1, 1987; 23 SDR 64, effective November 4, 1996; 23 SDR 180, effective May 1, 1997; 27 SDR 15, effective August 30, 2000; 30 SDR 171, effective May 11, 2004.

**General Authority:** SDCL 32-25-7.

**Law Implemented:** SDCL 32-25-7.

**70:01:02:27. Fall River County.** The following are the maximum speeds on certain highways in Fall River County:

(1) U.S. Highway 18 beginning at the junction with U.S. Highway 18 Truck Route at the west edge of Hot Springs, then east for 1 mile to the junction with U.S. Highway 385 at Chicago Street, 25 miles per hour;

(2) Truck U.S. Highway 18 beginning at the junction of Truck U.S. Highway 18 and U.S. Highway 18 and 385 at the east edge of Hot Springs, then westerly for 0.4 mile, 35 miles per hour; then westerly for 0.5 mile, 45 miles per hour; then westerly for 0.6 mile, 50 miles per hour; then westerly for 0.2 mile to the junction of Truck U.S. Highway 18 and U.S. Highway 18, 40 miles per hour;

~~(3) Repealed;~~

~~(4)~~ (3) State Trunk Highway 71 beginning at the Nebraska state line, then north for 1.11 miles, 55 miles per hour; then northerly for 0.9 mile, 40 miles per hour; then northeasterly for 32.8 miles, 55 miles per hour; then northeasterly for 0.34 mile to the intersection of U.S. Highway 18 Truck Route, 45 miles per hour;

~~(5)~~ (4) State Trunk Highway 89 beginning at milepost 29.75, then northerly to milepost 30.10, 45 miles per hour;

~~(6)~~ (5) State Trunk Highway 471 beginning at its intersection with State Trunk Highway 71, then northwesterly for 13.24 miles, 55 miles per hour; then northwesterly for 0.59 mile, 35 miles per hour; then northerly for 6.48 miles, 55 miles per hour; then northerly for 0.63 mile, 35 miles per hour; then northerly for 1.14 miles, 25 miles per hour;

~~(7)~~ (6) U.S. Highway 18 ~~eastbound~~ beginning ~~0.4 mile~~ 3.0 miles west of the junction with U.S. Highway 18 truck route at the west edge of Hot Springs, then east for ~~0.2 mile~~ 2.8 miles, 45 55 miles per hour; then east for 0.2 mile, 35 miles per hour;

~~(8)~~ (7) Truck speed for trucks equipped with dual tires on the driver axle on Truck U.S. Highway 18 beginning at the junction of Truck U.S. Highway 18 and U.S. Highway 18 and 385 at the east edge of Hot Springs, then westerly 1.7 miles, 35 miles per hour;

~~(9)~~ (8) Truck speed for eastbound trucks with dual tires on the driver axle on U.S. Highway 18 beginning 1.9 mile west of the junction of U.S. Highway 18 and Truck U.S. Highway 18 at the west edge of Hot Springs, then east for a distance of 1.9 mile, 35 miles per hour;

~~(10)~~ (9) U.S. Highway 385 and U.S. Highway 18 beginning at the junction with State Trunk Highway 79, then westerly for 1.68 miles, 55 miles per hour; then westerly for 2.11 miles, 50 miles per hour; then westerly for 0.63 mile, 35 miles per hour; then westerly for 0.57 mile to the junction of U.S. Highway 385 and U.S. Highway 18 in Hot Springs, 25 miles per hour; then northerly on U.S. Highway 385 for 1.24 miles, 25 miles per hour; then northerly for 0.47 mile, 35 miles per hour; then northerly for 0.19 mile, 45 miles per hour;

~~(11) U.S. Highway 18 westbound beginning at the junction with U.S. Highway 18 Truck Route on the west edge of Hot Springs, then westerly for 2.81 miles, 55 miles per hour;~~

~~(12)~~ (10) U.S. Highway 385 beginning at the Nebraska border, then north to a point 0.69 mile south of the junction with U.S. Highway 18, 70 miles per hour for those segments of highway which are four lane divided sections; then north to the junction with U.S. Highway 18 junction, 55 miles per hour;

~~(13)~~ (11) U.S. Highway 18 and 385 beginning at the junction of these two highways near Oelrichs, then north for 0.15 mile, 55 miles per hour; then north to a point 0.26 mile south of the intersection with State Trunk Highway 79, 70 miles per hour for those segments of highway

which are four lane divided sections; then north to the junction with State Trunk Highway 79, 55 miles per hour;

~~(14)~~ (12) State Trunk Highway 79 beginning at the junction with U.S. Highways 18 and 385, then north for 0.35 mile, 55 miles per hour; then north to the Custer County line, 70 miles per hour for those segments of highway which are four lane divided sections.

**Source:** SL 1975, ch 16, § 1; 6 SDR 5, effective July 30, 1979; 6 SDR 109, effective May 29, 1980; 11 SDR 112, effective February 25, 1985; 12 SDR 7, effective July 28, 1985; 12 SDR 138, effective February 23, 1986; 13 SDR 9, effective August 3, 1986; 13 SDR 129, 13 SDR 134, effective July 1, 1987; 14 SDR 111, effective February 28, 1988; 16 SDR 102, effective December 20, 1989; 22 SDR 165, effective June 2, 1996; 23 SDR 132, effective February 27, 1997; 24 SDR 165, effective May 31, 1998; 25 SDR 108, effective March 1, 1999; 32 SDR 109, effective December 26, 2005.

**General Authority:** SDCL 32-25-7, 32-25-7.1.

**Law Implemented:** SDCL 32-25-7, 32 25-7.1.

**70:01:02:33. Hand County.** The following are the maximum speeds on certain highways in Hand County:

(1) Repealed;

(2) U.S. Highway 14 beginning 100 feet west of the northwest corner of section 6, township 111 north, range 65 west of the fifth principal meridian in Wessington, then east 100 feet, 45 miles per hour;

(3) U.S. Highway 14 beginning at the south junction of U.S. Highway 14 and State Trunk Highway 45 in Miller, then east ~~0.5~~ 0.9 mile, 35 miles per hour; ~~then east 0.4 mile, 40 miles per~~

hour; then east 1.24 miles, 55 miles per hour; then east through St. Lawrence, 0.45 mile, 45 miles per hour; then east 0.4 mile, 55 miles per hour;

(4) State Trunk Highway 26 beginning 0.1 mile west of the northwest corner of section 14, township 115 north, range 69 west of the fifth principal meridian, then east 0.2 mile, 45 miles per hour;

(5) State Trunk Highway 45 beginning 1.20 miles north of the north junction of U.S. Highway 14 and State Trunk Highway 45 in Miller, then south 0.88 mile, 55 miles per hour; then south 0.32 mile, 50 miles per hour; then south from the junction with U.S. Highway 14 for 0.05 mile, 50 miles per hour; then south 0.32 mile, 40 miles per hour; then south 0.44 mile, 30 miles per hour; then south on State Trunk Highway 45 for 0.26 mile, 25 miles per hour; then south 0.31 mile, 45 miles per hour; then south 1.27 miles, 55 miles per hour;

(6) U.S. Highway 14 beginning at the north intersection with State Trunk Highway 45 at Miller, then west for 0.20 mile, 45 miles per hour; then west for 0.40 mile, 55 miles per hour.

**Source:** SL 1975, ch 16, § 1; 6 SDR 109, effective May 29, 1980; 7 SDR 25, effective September 22, 1980; 13 SDR 159, effective May 3, 1987; 13 SDR 129, 13 SDR 134, effective July 1, 1987; 22 SDR 165, effective June 2, 1996; 24 SDR 165, effective May 31, 1998; 29 SDR 66, effective November 18, 2002.

**General Authority:** SDCL 32-25-7.

**Law Implemented:** SDCL 32-25-7.

**70:01:02:42. Kingsbury County.** The following are the maximum speeds on certain highways in Kingsbury County:

(1) U.S. Highway 14 in Lake Preston beginning 2,000 feet west of Main Avenue, then east for 1,050 feet, 45 miles per hour; then east for 3,400 feet, 30 miles per hour; then east for 1,000 feet, 45 miles per hour;

(2) U.S. Highway 14 in Arlington beginning 0.4 mile south of the north junction of U.S. Highway 14 and U.S. Highway 81, then north 0.3 mile, 40 miles per hour; then north and west for 0.82 mile, 30 miles per hour; then west for 0.2 mile, 40 miles per hour;

(3) U.S. Highway 14 beginning at the east Beadle County line in Iroquois, then east for 1,450 feet, 45 miles per hour;

(4) U.S. Highway 14 in DeSmet beginning 0.70 mile west of its junction with State Trunk Highway 25, then east for 0.19 mile, 45 miles per hour; then east for 0.85 mile, 30 miles per hour; then east for 0.19 mile, 45 miles per hour;

(5) Repealed;

(6) U.S. Highway 81 in Arlington beginning 0.75 mile north of the junction of U.S. Highway 14 and U.S. Highway 81, then south for 0.2 mile, 45 miles per hour; then south, ending at that junction, 35 miles per hour;

(7) State Trunk Highway 25 in DeSmet beginning at a point ~~0.70~~ 0.9 mile north of U.S. Highway 14, then south for ~~0.189~~ 0.2 mile, 50 miles per hour; then south ~~to a point 0.30 mile south of U.S. Highway 14 for 1.0 mile,~~ 30 miles per hour; then south for 0.21 mile, 50 miles per hour.

**Source:** SL 1975, ch 16, § 1; 4 SDR 26, effective October 31, 1977; 6 SDR 109, effective May 29, 1980; 7 SDR 25, effective September 22, 1980; 12 SDR 138, effective February 23, 1986; 13 SDR 129, 13 SDR 134, effective July 1, 1987; 22 SDR 165, effective June 2, 1996; 25

SDR 4, effective July 29, 1998; 26 SDR 85, effective December 29, 1999; 30 SDR 89, effective December 7, 2003; 31 SDR 62, effective November 7, 2004.

**General Authority:** SDCL 32-25-7.

**Law Implemented:** SDCL 32-25-7.

**70:01:02:48. Marshall County.** The following are the maximum speeds on certain highways in Marshall County:

(1) State Trunk Highway 27 beginning 0.22 mile east of the intersection of State Trunk Highway 27 and east Front Street in Langford, then west 0.14 mile, 40 miles per hour; then west to the intersection, 30 miles per hour; then south from the intersection 0.11 mile, 30 miles per hour; then south 0.14 mile, 45 miles per hour;

(2) State Trunk Highway 10 beginning 0.99 mile west of the junction of State Trunk Highway 10 and State Trunk Highway 27 in Britton, then east for 0.4 mile, 40 miles per hour; then east for 1.05 miles, 30 miles per hour; then east for 0.13 mile, 45 miles per hour; then east for 0.87 mile, 55 miles per hour;

(3) State Trunk Highway 27 in Britton beginning at the junction of State Trunk Highway 27 and State Trunk Highway 10, then south from the junction for 0.52 mile, 30 miles per hour; then south for 0.20 mile, 50 miles per hour;

(4) State Trunk Highway 25 in Veblen beginning ~~0.32~~ 0.31 mile west of the junction of State Trunk Highway 25 and Marshall County Highway 1, then east for 0.20 mile, 50 miles per hour; then east for ~~1.20 miles~~ 0.64 mile, 30 miles per hour; then east for 0.20 mile, 50 miles per hour.

**Source:** SL 1975, ch 16, § 1; 9 SDR 76, effective December 23, 1982; 11 SDR 73, effective November 29, 1984; 13 SDR 129, 13 SDR 134, effective July 1, 1987; 22 SDR 64,



effective November 13, 1995; 22 SDR 165, effective June 2, 1996; 27 SDR 47, effective November 9, 2000; 30 SDR 22, effective August 25, 2003; 30 SDR 204, effective June 28, 2004; 31 SDR 165, effective May 11, 2005.

**General Authority:** SDCL 32-25-7.

**Law Implemented:** SDCL 32-25-7.

**70:01:02:53. Perkins County.** The following are the maximum speeds on certain highways in Perkins County:

(1) State Trunk Highway 20 beginning at milepost 65.66 (the west village limits of Prairie City), then east for 0.39 mile, 50 miles per hour; then east to milepost 80, 55 miles per hour;

(2) Repealed;

(3) U.S. Highway 12 beginning 0.3 mile west of the junction of U.S. Highway 12 and State Trunk Highway 73 at Lemmon, then easterly for 0.6 mile, 45 miles per hour; then easterly for 0.9 mile, 35 miles per hour; then easterly for 0.2 mile, 50 miles per hour;

(4) Beginning at the intersection of State Trunk Highway 20 and the road leading to the town of Bison, then south for 0.2 mile, 45 miles per hour; then south to the Main Street of Bison, 30 miles per hour;

(5) State Trunk Highway 73 beginning 0.2 mile south of the junction of State Trunk Highway 73 and U.S. Highway 12, then north for 0.2 mile to that junction, 40 miles per hour;

(6) State Trunk Highway 73 beginning 2,207 feet south of the southwest corner of section 17, township 21 north, range 16 east of the Black Hills meridian, then northerly 4,224 feet, 50 miles per hour;

(7) Repealed;

(8) State Trunk Highway 20 beginning at ~~milepost 82.36~~ 0.3 mile east of mileage reference marker 82.00 (~~west of intersection with the road into Bison~~), then east for ~~0.54~~ 0.4 mile, 45 miles per hour;

(9) State Trunk Highway 20 beginning at milepost 94.48 (west of west village limits of Meadow), then east for 0.40 mile, 45 miles per hour.

**Source:** SL 1975, ch 16, § 1; 5 SDR 97, effective May 20, 1979; 7 SDR 25, effective September 22, 1980; 10 SDR 30, effective October 4, 1983; 10 SDR 93, effective March 5, 1984; 13 SDR 129, 13 SDR 134, effective July 1, 1987; 22 SDR 165, effective June 2, 1996; 31 SDR 26, effective September 6, 2004.

**General Authority:** SDCL 32-25-7.

**Law Implemented:** SDCL 32-25-7.

**70:01:02:61. Turner County.** The following are the maximum speeds on certain highways in Turner County:

(1) State Trunk Highway 44 beginning at the junction with State Trunk Highway 19 east of Parker, then west 1 mile, 30 miles per hour; then west 0.2 mile, 45 miles per hour;

(2) U.S. Highway 18 beginning 400 feet west of 460<sup>th</sup> Avenue, then east for 0.2 mile, 45 miles per hour; then east for 0.58 mile through Davis, 30 miles per hour; then east for 0.3 mile, 45 miles per hour;

(3) State Trunk Highway 46 beginning at the west Turner County line, then east 0.45 mile through Irene, 25 miles per hour; then east for 0.2 mile, 40 miles per hour;

(4) State Trunk Highway 19 beginning 0.5 mile south of the intersection with Turner County Highway 42 in Viborg, then north for 0.16 mile, 50 miles per hour; then north for 0.77 mile through Viborg, 30 miles per hour; then north for 0.15 mile, 50 miles per hour;

(5) State Trunk Highway 19A beginning 0.6 mile west of the intersection with Broadway in Centerville, then east for 0.3 mile, 50 miles per hour; then east for 0.3 mile to Broadway, 30 miles per hour; then south for 0.4 mile, 35 miles per hour; then south for 0.15 mile, 50 miles per hour;

(6) State Trunk Highway 44 beginning 0.65 mile northwesterly of the intersection with Turner County Highway 41, then southeasterly 0.15 mile, 45 miles per hour; then southeasterly 0.67 mile through Chancellor, 30 miles per hour; then southeasterly 0.15 mile, 45 miles per hour;

(7) State Trunk Highway 19 beginning 0.39 mile north of Turner County Highway 38, then north to a point 0.1 mile north of Turner County Highway 36, 50 miles per hour;

(8) State Trunk Highway 19 beginning 0.5 mile south of the intersection with State Trunk Highway 44 at Parker, then ~~north 0.74~~ northwesterly 0.33 mile, 55 miles per hour; then north 0.57 mile, 40 miles per hour;

(9) U.S. Highway 18 beginning 1.38 miles west of the intersection with Turner County Road 17, then east for 0.4 mile through Turkey Ridge, 45 miles per hour.

**Source:** SL 1975, ch 16, § 1; 9 SDR 35, effective September 19, 1982; 12 SDR 7, effective July 28, 1985; 13 SDR 129, 13 SDR 134, effective July 1, 1987; 22 SDR 165, effective June 2, 1996; 23 SDR 132, effective February 27, 1997; 23 SDR 180, effective May 1, 1997; 28 SDR 101, effective January 17, 2002; 38 SDR 172, effective April 24, 2012.

**General Authority:** SDCL 32-25-7.

**Law Implemented:** SDCL 32-25-7.

**70:01:02:65. Oglala Lakota County.** The following are the maximum speeds on certain highways in Oglala Lakota County:

(1) U.S. Highway 18 beginning ~~0.73~~ 0.7 mile northerly from its junction with ~~the U.S. Highway 18 whiteclay spur in Pine Ridge~~ State Trunk Highway 407; then southerly for 0.2 mile, 50 miles per hour; then southerly for ~~0.53~~ 0.1 mile, 35 miles per hour; then ~~easterly~~ southerly for ~~0.12~~ 0.4 mile, 25 miles per hour; then easterly for ~~0.35~~ 0.5 mile, ~~30~~ 25 miles per hour; then easterly for 0.3 mile, 35 miles per hour; then easterly for ~~1.17~~ 1.2 miles, 45 miles per hour;

(2) State Trunk Highway 407 beginning at the Nebraska state line, then north ~~1.35~~ 1.4 miles, 55 miles per hour; then north 0.2 mile, 40 miles per hour; then north ~~0.15~~ 0.1 mile, 35 miles per hour; then north to the junction of U.S. Highway 18 in Pine Ridge, ~~35~~ 25 miles per hour;

(3) U.S. Highway 18 beginning 0.6 mile west of Oglala at milepost 87.70, then east 1.26 miles, 45 miles per hour;

(4) U.S. Highway 18 in Batesland, beginning at the Oglala Lakota-Bennett County line, then west 0.07 mile, 45 miles per hour.

**Source:** SL 1975, ch 16, § 1; 13 SDR 129, 13 SDR 134, effective July 1, 1987; 22 SDR 165, effective June 2, 1996; 23 SDR 132, effective February 27, 1997; 30 SDR 89, effective December 7, 2003; 34 SDR 303, effective June 9, 2008; SL 2015, ch 56, § 1, effective May 1, 2015.

**General Authority:** SDCL 32-25-7.

**Law Implemented:** SDCL 32-25-7.

## CHAPTER 70:07:01

### GENERAL PROVISIONS

**70:07:01:01. Definitions.** Terms used in chapters 70:07:01 to 70:07:04, inclusive, have the following meanings:

(1) "Awarding authority," a public or private authority that awards construction contracts;

(2) "Bidding capacity rating," the maximum dollar amount of work for which a prospective bidder may submit bids for any construction contract;

~~(2)~~ (3) "Business," a sole proprietor doing business as a contractor or subcontractor or a partnership, association, corporation, or other entity formed for the purpose of doing business as a contractor or subcontractor;

~~(3)~~ (4) "Commission," the South Dakota Transportation Commission;

(4) (5) "Committee," the classification and rating committee established by § 70:07:02:01;

~~(5)~~ (6) "Construction contract," the written agreement between the department and the contractor setting forth the obligations of the parties for the performance of the prescribed work, including the invitation for bids, proposal, contract form, contract bond, standard specification, supplemental specifications, special provisions, general and detailed plans, and notice to proceed and any addendum, change order and agreement that is required to complete construction of the work, including any authorized extension of the contract, all of which constitute one instrument, for the improvement of the highway system;

~~(6)~~ (7) "Contract crime," a violation of a state law, a federal law, or a rule, regulation, or order of a federal or state department or agency pertaining to the construction, maintenance, repair, or supervision of highways or to fraud, theft, embezzlement, bribery, forgery, misrepresentation, making false statements, falsification or destruction of records, or any other criminal offense in connection with obtaining, attempting to obtain, or performing a public or private contract or subcontract;

~~(7)~~ (8) "Contractor," a person to whom the commission has awarded a department construction contract;

~~(8)~~ (9) "Conviction," any of the following accepted and recorded by a court:

(a) A plea of guilty;

(b) A verdict of guilty by a jury or a finding of guilt by a court;

(c) A civil verdict against a person in which a civil penalty is imposed on the person as a result of a contract crime; or

(d) A plea or verdict of guilty or a civil-judgment in which a civil penalty is imposed on a person as a result of a contract crime;

~~(9)~~ "Current bidding capacity," the maximum dollar amount of work for which a prospective bidder may submit bids at any given bid letting;

(10) "Debar," to disqualify from entering into or receiving a department contract or from serving as a contractor or subcontractor under a department contract;

(11) "Department," the South Dakota Department of Transportation;

~~(12)~~ "Maximum bidding capacity rating," the maximum dollar amount of work a contractor may have under contract at any one time, either as principal or subcontractor, regardless of whom the work is for or where it is located, as authorized by the committee;

~~(13)~~ (12) "Person," a business as defined in this section or a natural person;

~~(14)~~ (13) "Principal," an officer, director, or partner of a business or an employee or shareholder engaged in management of the business;

~~(15)~~ (14) "Prospective bidder," a person proposing to bid or bidding on a department construction contract;

~~(16)~~ (15) "Secretary," the secretary of the South Dakota Department of Transportation;

(17) (16) "Suspend," to temporarily disqualify from entering into or receiving a department contract or from serving as a subcontractor under a department contract;

(18) (17) "Working capital," the difference between a contractor's current assets and current liabilities as classified on the contractor's audited financial statement plus 80 percent of the book value of the construction equipment listed in the contractor's prequalification statement and financial statement, plus committee-approved lines of credit.

**Source:** SL 1975, ch 16, § 1; 8 SDR 45, effective October 28, 1981; 13 SDR 129, 13 SDR 134, effective July 1, 1987; transferred from § 70:01:05:01, 19 SDR 154, effective April 11, 1993; 25 SDR 145, effective May 30, 1999; 40 SDR 121, effective January 6, 2014.

**General Authority:** SDCL 31-5-10.

**Law Implemented:** SDCL 31-5-10.

## CHAPTER 70:07:02

### CLASSIFICATION AND BIDDING CAPACITY RATING

#### Section

- 70:07:02:01 Classification and rating committee -- Membership -- Powers and duties.
- 70:07:02:02 Committee to keep record of proceedings.
- 70:07:02:03 Classification and ~~maximum~~ bidding capacity rating.
- 70:07:02:04 Procedure for obtaining classification and capacity rating.
- 70:07:02:05 Financial records confidential.
- 70:07:02:06 Time limit for statements.
- 70:07:02:07 Preference for work classification.
- 70:07:02:08 Work classifications.

- 70:07:02:09 ~~Maximum bidding~~ Bidding capacity rating.
- 70:07:02:10 Effective period of rating.
- 70:07:02:11 ~~Determination of current bidding capacity of prospective bidders.~~ Repealed.
- 70:07:02:12 Allowable deductions for determining ~~maximum~~ bidding capacity rating.
- 70:07:02:13 Ineligibility for violation of laws, rules, or orders.
- 70:07:02:14 Repealed.
- 70:07:02:15 Ineligibility following grant of rating.
- 70:07:02:16 Procedure for review of decision of committee.
- 70:07:02:17 Reclassification procedure.
- 70:07:02:18 Forfeit of rating.
- 70:07:02:19 Renewal of prospective bidder prequalification.
- 70:07:02:20 Prior experience requirements.

**70:07:02:01. Classification and rating committee -- Membership -- Powers and duties.** The classification and rating committee consists of four persons from the department ~~selected~~ approved by the commission. The committee may act for the commission on all matters specified in this chapter. The secretary may appoint a ~~temporary alternate if a~~ alternates for the committee ~~member is unavailable~~ members.

**Source:** SL 1975, ch 16, § 1; 8 SDR 45, effective October 28, 1981; 10 SDR 30, effective October 4, 1983; 13 SDR 129, 13 SDR 134, effective July 1, 1987; 15 SDR 142, effective March 26, 1989; transferred from § 70:01:05:22, 19 SDR 154, effective April 11, 1993; 40 SDR 121, effective January 6, 2014.

**General Authority:** SDCL 31-5-10.

**Law Implemented:** SDCL 31-5-10.



**70:07:02:03. Classification and ~~maximum~~-bidding capacity rating.** A prospective bidder shall obtain a classification and ~~maximum~~-bidding capacity rating granted by the committee pursuant to this chapter before bidding on a state highway construction contract unless the amount being bid is less than \$200,000.

**Source:** SL 1975, ch 16, § 1; 6 SDR 109, effective May 29, 1980; 8 SDR 45, effective October 28, 1981; 8 SDR 170, effective June 21, 1982; 13 SDR 159, effective May 3, 1987; 13 SDR 129, 13 SDR 134, effective July 1, 1987; transferred from § 70:01:05:02, 19 SDR 154, effective April 11, 1993; 40 SDR 121, effective January 6, 2014.

**General Authority:** SDCL 31-5-10.

**Law Implemented:** SDCL 31-5-10.

**70:07:02:04. Procedure for obtaining classification and capacity rating.** To obtain a classification and ~~maximum~~ bidding capacity rating a prospective bidder shall submit a prequalification statement to the committee, on a form approved by the department. The prospective bidder shall include in the prequalification statement the prospective bidder's equipment, organization, prior experience, and any debarment or pending debarment by a state or federal agency from bidding on construction projects. At its discretion, the committee may request additional information.

In addition to the prospective bidder's prequalification statement, the prospective bidder shall furnish audited financial details in accordance with either of the following:

(1) The prospective bidder may furnish a certification of surety from a bonding firm authorized to do business in this state stating the maximum bonding coverage the surety will issue on the prospective bidder's behalf for ~~both a single contract and for all of the prospective bidder's work including uncompleted contracts~~; or

(2) The prospective bidder may submit a separate statement of financial position audited by an independent certified public accountant. The opinion page of the audit statement shall include the audit firm's name, address, telephone number, and signature of a member of the firm.

**Source:** SL 1975, ch 16, § 1; 8 SDR 45, effective October 28, 1981; 8 SDR 98, effective February 24, 1982; 13 SDR 129, 13 SDR 134, effective July 1, 1987; transferred from § 70:01:05:03, 19 SDR 154, effective April 11, 1993; 25 SDR 145, effective May 30, 1999; 40 SDR 121, effective January 6, 2014.

**General Authority:** SDCL 31-5-10.

**Law Implemented:** SDCL 31-5-10.

**70:07:02:08. Work classifications.** Types of work are classified as follows:

- (1) Major grading;
- (2) Minor grading;
- (3) Portland cement concrete paving;
- (4) Portland cement concrete repair (spall repair, joint repair, or pavement grinding);
- (5) Asphalt concrete paving and microsurfacing;
- (6) Asphalt surface treatment and asphalt crack sealing;
- (7) New bridge construction;
- (8) Bridge rehabilitation (deck overlays, fatigue retrofit, steel and concrete repair, ~~epoxy chip seal~~, or rail retrofit);
- (9) Minor structure construction (cast in place box culverts, pre-cast multi-beam deck bridges, or mechanically stabilized earth (MSE) large panel retaining walls);
- (10) Lighting and signals;
- (11) Signing, delineation, and pavement marking;

(12) Underground and utilities (storm sewer, sanitary sewer, waterline, drainage pipe, or precast box culvert);

(13) Incidental construction (fencing, guardrail, railroad crossings, MSE modular block retaining walls, gravel surfacing, base course, landscaping, or erosion control);

(14) Miscellaneous concrete construction (sidewalk, bike path, multi-use path, or curb and gutter);

(15) Bridge painting;;

(16) High Friction surface treatment; and

(17) Bridge deck chip seal.

The committee may approve a prospective bidder in one or more types of work.

The committee may prequalify a prospective bidder on a project by project basis for specialty work not specifically covered by the foregoing classifications.

**Source:** SL 1975, ch 16, § 1; 8 SDR 45, effective October 28, 1981; 13 SDR 129, 13 SDR 134, effective July 1, 1987; transferred from § 70:01:05:06, 19 SDR 154, effective April 11, 1993; 25 SDR 145, effective May 30, 1999; 40 SDR 121, effective January 6, 2014.

**General Authority:** SDCL 31-5-10.

**Law Implemented:** SDCL 31-5-10.

**70:07:02:09. ~~Maximum bidding~~ Bidding capacity rating.** The criteria for determining ~~maximum~~-bidding capacity ratings are as follows:

- (1) The prospective bidder's ability to finance the work as shown by the prospective bidder's audited financial statement, surety statement, surety bond or supplemental documents;
- (2) The amount, condition, and availability of the prospective bidder's equipment;
- (3) The experience of the prospective bidder's personnel; and

(4) The prospective bidder's previous record with the department and other awarding authorities.

A ~~maximum~~-bidding capacity rating may not exceed ~~ten~~ five times the amount of a prospective bidder's working capital. The committee may honor a bank line of credit to increase the prospective bidder's working capital. The prospective bidder shall state the line of credit on a form furnished by the committee and is valid for the period of the prospective bidder's prequalification. The committee may declare the prospective bidder ineligible for prequalification if the prospective bidder has been deficient, as determined by the committee, in any of the criteria listed in this section.

If a certification of surety is furnished in accordance with subdivision 70:07:02:04(1), the ~~maximum~~ bidding capacity rating must conform to the bonding limitations established by the surety on the prospective bidder's behalf.

~~— If an audited financial statement is furnished, the per contract bidding capacity is 50 percent of the maximum bidding capacity.~~

**Source:** SL 1975, ch 16, § 1; 8 SDR 45, effective October 28, 1981; 13 SDR 129, 13 SDR 134, effective July 1, 1987; transferred from § 70:01:05:07, 19 SDR 154, effective April 11, 1993; 25 SDR 145, effective May 30, 1999; 40 SDR 121, effective January 6, 2014.

**General Authority:** SDCL 31-5-10.

**Law Implemented:** SDCL 31-5-10.

**70:07:02:10. Effective period of rating.** If the prospective bidder submits an audited statement of financial position in accordance with subdivision 70:07:02:04(2), the classification and ~~maximum~~ bidding capacity rating is effective for not more than 18 months from the date of the balance sheet. If a certification of surety is submitted in accordance with subdivision

70:07:02:04(1), the classification and ~~maximum~~ bidding capacity rating expires according to the expiration date as shown on the prospective bidder's surety bond or upon the expiration or rescission of the certification of surety. The prospective bidder shall provide the department with written notice of the rescission of a certification of surety within five days after the prospective bidder receives notice of the rescission. The committee may grant one extension of not more than 60 days to the period that the ~~maximum~~ bidding capacity rating is effective. The prospective bidder shall submit any request for an extension to the committee in writing.

**Source:** SL 1975, ch 16, § 1; 8 SDR 45, effective October 28, 1981; 8 SDR 98, effective February 24, 1982; 13 SDR 129, 13 SDR 134, effective July 1, 1987; transferred from § 70:01:05:08, 19 SDR 154, effective April 11, 1993; 25 SDR 145, effective May 30, 1999; 40 SDR 121, effective January 6, 2014.

**General Authority:** SDCL 31-5-10.

**Law Implemented:** SDCL 31-5-10.

**70:07:02:11. Determination of current bidding capacity of prospective bidders.** ~~The department shall give a prospective bidder a current bidding capacity in a specified dollar amount under one or more classifications for which the prospective bidder has qualified. The current bidding capacity is arrived at by subtracting from the maximum bidding capacity rating the uncompleted dollar amount of all bonded work wherever located. Repealed.~~

**Source:** SL 1975, ch 16, § 1; 8 SDR 45, effective October 28, 1981; 13 SDR 129, 13 SDR 134, effective July 1, 1987; transferred from § 70:01:05:10, 19 SDR 154, effective April 11, 1993; 40 SDR 121, effective January 6, 2014.

~~**General Authority:** SDCL 31-5-10.~~

~~**Law Implemented:** SDCL 31-5-10.~~

**70:07:02:12. Allowable deductions for determining ~~maximum~~ bidding capacity rating.** The committee may include a deduction for any of the following factors when calculating the ~~maximum~~ bidding capacity rating:

- (1) Current ability;
- (2) Experience and organization;
- (3) Ownership, sufficiency, availability, and condition of major items of equipment;
- (4) Quality and timeliness of work performed on previous contracts; and
- (5) Independent financial audit concerns, including account and debt records.

Deductions may not exceed 50 percent for any one factor.

The committee may limit a prospective bidder to a specific number of projects over the \$200,000 prequalification requirement based on any of the criteria in this section.

**Source:** SL 1975, ch 16, § 1; 8 SDR 45, effective October 28, 1981; 13 SDR 129, 13 SDR 134, effective July 1, 1987; transferred from § 70:01:05:11, 19 SDR 154, effective April 11, 1993; 25 SDR 145, effective May 30, 1999; 40 SDR 121, effective January 6, 2014.

**General Authority:** SDCL 31-5-10.

**Law Implemented:** SDCL 31-5-10.

**70:07:02:15. Ineligibility following grant of rating.** The committee may declare a prospective bidder ineligible before the department receives bids or the commission awards a contract if a development occurs after the granting of a classification or a ~~maximum~~ bidding capacity rating which in the determination of the committee would affect the responsibility of the prospective bidder.

**Source:** SL 1975, ch 16, § 1; 8 SDR 45, effective October 28, 1981; 13 SDR 129, 13 SDR 134, effective July 1, 1987; transferred from § 70:01:05:17, 19 SDR 154, effective April 11, 1993; 40 SDR 121, effective January 6, 2014.

**General Authority:** SDCL 31-5-10.

**Law Implemented:** SDCL 31-5-10.

**70:07:02:17. Reclassification procedure.** A holder of a classification and ~~maximum~~ bidding capacity rating may request a reclassification or a higher ~~maximum~~ bidding capacity rating, or both, by submitting a new prequalification statement to the committee at least 14 days before the day of the bid letting. A reclassification or an increase in a ~~maximum~~ bidding capacity rating, or both, are in effect on the day granted.

**Source:** SL 1975, ch 16, § 1; 8 SDR 45, effective October 28, 1981; 13 SDR 129, 13 SDR 134, effective July 1, 1987; transferred from § 70:01:05:15, 19 SDR 154, effective April 11, 1993; 25 SDR 145, effective May 30, 1999; 40 SDR 121, effective January 6, 2014.

**General Authority:** SDCL 31-5-10.

**Law Implemented:** SDCL 31-5-10.

**Cross-Reference:** Time limit for questionnaires, § 70:07:02:06.

**70:07:02:18. Forfeit of rating.** The committee may require a prospective bidder to submit a new prequalification statement concerning an existing ~~maximum~~ bidding capacity rating. Failure to submit a new prequalification statement within 14 days of the request forfeits the existing ~~maximum~~ bidding capacity rating.

If a prospective bidder forfeits a ~~maximum~~ bidding capacity rating, the committee shall receive and act upon a new prequalification statement from the prospective bidder before bids may be honored.

**Source:** SL 1975, ch 16, § 1; 8 SDR 45, effective October 28, 1981; 13 SDR 129, 13 SDR 134, effective July 1, 1987; transferred from § 70:01:05:16, 19 SDR 154, effective April 11, 1993; 25 SDR 145, effective May 30, 1999; 40 SDR 121, effective January 6, 2014.

**General Authority:** SDCL 31-5-10.

**Law Implemented:** SDCL 31-5-10.

**70:07:02:19. Renewal of prospective bidder's prequalification.** To retain or revise prequalification status, a prospective bidder shall complete a new prospective bidder prequalification statement based on either the expiration date of the bidder's surety bond, or the expiration date of the bidder's audited financial statement. The prequalification committee shall review the prequalification statement and determine the new status of eligible work types, bidding capacity ~~per contract, maximum bidding capacity, rating,~~ and expiration date.

**Source:** 40 SDR 121, effective January 6, 2014.

**General Authority:** SDCL 31-5-10.

**Law Implemented:** SDCL 31-5-10.

## CHAPTER 70:07:03

### BID PROPOSALS

#### Section

70:07:03:01 Procedure for requesting bid proposals.

70:07:03:02 Repealed.

70:07:03:03 Denial of proposal for substandard work.

70:03:03:04 Repealed.

~~70:07:03:05 Award of multiple contracts~~ Repealed.



70:07:03:06 Repealed.

**70:07:03:05. Award of multiple contracts.** ~~If a prospective bidder bids several projects and the total amount of the low bids exceeds its current bidding capacity, the department may only award contracts up to the current bidding capacity. The department shall select projects to award that are to the advantage of the department~~ Repealed.

**Source:** 19 SDR 154, effective April 11, 1993; 40 SDR 121, effective January 6, 2014.

**General Authority:** ~~SDCL 31-5-10.~~

~~Law Implemented:~~ ~~SDCL 31-5-10.~~