

26.399.10 101st Legislative Session 9



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 _____ Received at the
attached Act originated in the: Executive Office
Senate as Bill No. 9 this _____ day of _____,
Secretary of the Senate 2026 at _____ M.

_____ President of the By
Senate for the Governor

Attest: _____ The attached Act
Secretary of the Senate hereby

Speaker of the House approved this _____ day of
Attest: _____, A.D., 2026

Chief Clerk of the House Governor

Senate Bill No. 9 **STATE OF SOUT**

File No. _____ **DAKOTA,**

Chapter No. _____ ss.
Office of the Secretary of State

Filed _____, 2026

at _____ o'clock __M.

Secretary of State

By

Asst. Secretary of State