

State of South Dakota

SEVENTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2002

449H0579

SENATE ENGROSSED NO. **SB 132** - 01/30/2002

Introduced by: Senators Munson, Craddock, Drake, McCracken, and Volesky and
Representatives Frost, Abdallah, Broderick, Hargens, Jaspers, Lange, and
Wick

1 FOR AN ACT ENTITLED, An Act to revise the provisions for moving a structure under or
2 across a utility line and to provide a penalty therefor.

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

4 Section 1. That § 49-32-3 be amended to read as follows:

5 49-32-3. Section 49-32-2 does not apply to the lawful moving of any structure along or
6 across any public highway by a person who has used all necessary means to prevent injury to a
7 utility's lines and who:

8 (1) Provides no less than forty-eight hours notice, which notice shall be calculated as two
9 working days of the utility, of his intention to move a structure under or across a
10 utility's lines to the nearest managing agent of the utility which owns the lines that
11 must be moved;

12 (2) Informs the utility of the approximate time he intends to move the structure under or
13 across the utility's lines; ~~and~~

14 (3) Obtains written verification from the utility, which shall be provided by the utility



1 within seventy-two hours, that he has complied with this section and presents the
2 verification to the issuing authority as a requirement of obtaining a single-trip permit;
3 and

4 (4) Renders in advance of the move a reasonable deposit to the utility which shall equal
5 the utility's estimated cost of its expenses in moving any lines.

6 The deposit shall include the utility's reasonable direct costs of all labor, materials and
7 equipment, not including profit ~~or common overhead costs~~, associated with accommodating the
8 structure move. After the movement of the structure has been completed, the utility shall refund
9 any deposit given in excess of the utility's direct cost incurred in moving its lines or the utility
10 may bill the person moving the structure for the utility's direct cost incurred in excess of the
11 deposit. The utility shall provide the person moving the structure with an itemized estimate when
12 requiring a deposit and an itemized bill accounting for all direct costs after the move has been
13 completed. No utility may charge any cost for monitoring the movement of a structure under its
14 lines if it is not required to remove or lift any utility lines. No utility may require, as a condition
15 precedent to the move, that a mover or the party owning the structure being moved sign a
16 contract which adds terms regarding the movement of the structure inconsistent with this section.
17 A violation of this section is a Class 2 misdemeanor.

18 Section 2. That chapter 49-32 be amended by adding thereto a NEW SECTION to read as
19 follows:

20 Only the utility company or the company's agents may move their lines to accommodate the
21 movement of a structure across or under their lines. A violation of this section is a class 2
22 misdemeanor.