State of South Dakota

EIGHTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 2007

714N0319

CONFERENCE COMMITTEE ENGROSSED NO. HB 1102 - 03/02/2007

Introduced by: Representatives Cutler, Boomgarden, Brunner, Buckingham, Davis, Dykstra, Gassman, Gilson, Hackl, Halverson, Hargens, Heineman, Hills, Jerke, Juhnke, Kirkeby, Koistinen, Lucas, McLaughlin, Miles, Moore, Noem, Olson (Betty), Olson (Russell), Pederson (Gordon), Peters, Pitts, Rausch, Rounds, Sigdestad, Steele, Street, Tidemann, Turbiville, Van Etten, Vanneman, Weems, Wick, and Willadsen and Senators McCracken, Abdallah, Albers, Bartling, Duenwald, Garnos, Gray, Greenfield, Hanson (Gary), Hundstad, Koetzle, Lintz, Maher, McNenny, Napoli, Peterson (Jim), Schmidt, Smidt, and Sutton

FOR AN ACT ENTITLED, An Act to revise certain provisions related to the establishment of proof of compliance with applicable standards as due care in certain utility negligence claims.

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

Section 1. That § 47-21-75 be amended to read as follows:

47-21-75. Construction of electric lines by a cooperative shall~~, as a minimum requirement,~~ comply with the standards of the National Electrical Safety Code in effect at the time of ~~such~~ the construction~~; provided, however, that where Y-connected circuits with neutral conductors effectively grounded throughout their length are used in the construction or reconstruction of electrical distribution or transmission lines, minimum vertical clearance of wires or neutral conductors over ground or rails shall be determined by the voltage between the wires and the~~

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Insertions into existing statutes are indicated by underscores.
Deletions from existing statutes are indicated by ~~overstrikes~~.

~~ground, if such voltage does not exceed fifteen thousand volts~~. Proof of compliance with the requirements of the applicable National Electrical Safety Code establishes due care in the defense of a negligence claim alleging a violation of that standard.

Section 2. That § 31-26-5 be amended to read as follows:

31-26-5. The grantee under § 31-26-1 shall construct and maintain ~~said~~ the grantee's poles, wires, or underground cable and line in accordance with the applicable National Electrical Safety Code adopted by the Bureau of Standards of the United States Department of Commerce. Proof of compliance with the requirements of the applicable National Electrical Safety Code standard establishes due care in the defense of a negligence claim alleging a violation of that standard.

Section 3. That § 31-26-22 be amended to read as follows:

31-26-22. The Transportation Commission may ~~adopt~~ promulgate rules and the Department of Transportation may issue permits, to allow electrical lines, pipelines, communication lines and other utilities, including rural water service pipelines, whether above or below ground, to operate the facilities over, under, or along public grounds, streets, alleys and highways under its jurisdiction in this state. Any rule ~~adopted under~~ promulgated pursuant to this section shall set forth application and issuance of permit criteria and installation standards necessary to preserve a safe traffic environment, the appearance of the highway, and the efficiency and economy of highway maintenance and shall be ~~adopted~~ promulgated pursuant to chapter 1-26. Proof of compliance with the requirements of the applicable National Electrical Safety Code standard establishes due care in the defense of a negligence claim alleging a violation of that standard.