

State of South Dakota

NINETY-FIRST SESSION
LEGISLATIVE ASSEMBLY, 2016

526X0364

HOUSE BILL NO. 1139

Introduced by: Representatives Mickelson, Schaefer, and Westra and Senators Tidemann, Cammack, and Vehle

1 FOR AN ACT ENTITLED, An Act to clarify the insurer responsible for work done within a
2 railroad crossing.

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

4 Section 1. That § 49-16A-100.6 be amended to read:

5 49-16A-100.6. The certificate of insurance or coverage submitted by a municipality shall
6 include commercial general liability insurance or equivalent form with a limit of not less than
7 one million dollars for each occurrence and an aggregate of not less than two million dollars.
8 The certificate of insurance submitted by any other utility other than a gas or hazardous
9 materials pipeline utility shall include commercial general liability insurance with a combined
10 single limit of a minimum of two million dollars for each occurrence and an aggregate limit of
11 at least four million dollars. The certificate of insurance submitted by a gas or hazardous
12 materials pipeline utility shall include commercial general liability insurance with a combined
13 single limit of a minimum of five million dollars for each occurrence and an aggregate limit of
14 at least ten million dollars. The railroad may require protective liability insurance with a
15 combined single limit of two million dollars per occurrence and four million dollars aggregate.



1 The coverage may be provided by a blanket railroad protective liability policy provided that the
2 coverage, including the coverage limits, applies separately to each individual crossing. The
3 coverage is only required during the period of construction, repair, or replacement of the
4 facilities.