

# State of South Dakota

EIGHTY-SIXTH SESSION  
LEGISLATIVE ASSEMBLY, 2011

400S0178

## SENATE BILL NO. 28

Introduced by: The Committee on Transportation at the request of the Department of  
Transportation

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the authority of the  
2 secretary of transportation to create limited speed zones through highway work areas and  
3 to declare an emergency.

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

5 Section 1. That § 32-25-19.1 be amended to read as follows:

6 32-25-19.1. Notwithstanding § 32-25-7 or chapter 1-26, the secretary of transportation may  
7 establish limited speed zones through highway work areas on the state trunk highways if the  
8 secretary of public safety and the secretary of transportation, after consultation with the director  
9 of the highway patrol, agree the limited speed zones are necessary for the protection of life and  
10 property. The beginning and end of the immediate work area in each limited speed zone  
11 established under this section shall be conspicuously posted with signs showing the maximum  
12 speed permissible. ~~Such signs shall be posted only during the hours when work is actually being~~  
13 ~~performed.~~ The location and duration of this posting shall be filed with the secretary of  
14 transportation. A violation of the speed limit established under the provisions of this section is  
15 a Class 2 misdemeanor. Any fine for a violation of this section while workers are present shall



1 be double the usual fine for speeding but may not exceed the maximum fine for a Class 2  
2 misdemeanor as provided by § 22-6-2. Signs showing that any such a fine will be double the  
3 usual speeding fine shall be erected in advance of the regulatory speed limit signs.

4 Section 2. That § 32-25-7.2 be repealed.

5 ~~— 32-25-7.2. Notwithstanding the provisions of § 32-25-7 or of any rule promulgated pursuant  
6 to that section, the secretary of transportation may establish limited speed zones on the state  
7 trunk highways if highway work being performed necessitates maintaining head to head traffic  
8 through or around the construction area and if the secretary of public safety and the secretary  
9 of transportation, after consultation with the director of the highway patrol, agree the limited  
10 speed zones are necessary for the safety of the traveling public. The beginning and end of each  
11 limited speed zone established under this section shall be conspicuously posted with signs  
12 showing the maximum speed permissible. The signs shall be posted during the period of time  
13 the highway work being performed necessitates maintaining head to head traffic through or  
14 around the construction area. The location and duration of this posting shall be filed with the  
15 secretary of transportation. A violation of the speed limit established under the provisions of this  
16 section is a Class 2 misdemeanor.~~

17 Section 3. Whereas, this Act is necessary for the immediate preservation of the public peace,  
18 health, or safety, an emergency is hereby declared to exist, and this Act shall be in full force and  
19 effect from and after its passage and approval.