

State of South Dakota

NINETIETH SESSION
LEGISLATIVE ASSEMBLY, 2015

852W0426

HOUSE ENGROSSED NO. **HB 1122** - 02/09/2015

Introduced by: Representatives Rozum, Bolin, Feickert, Haugaard, Hickey, Qualm, Schoenfish, Schrempp, Sly, Tulson, Verchio, and Zikmund and Senators Vehle, Cammack, Ewing, Frerichs, Hunhoff (Bernie), Olson, Omdahl, Peterson (Jim), Rampelberg, Rusch, Tieszen, and Van Gerpen

1 FOR AN ACT ENTITLED, An Act to authorize township boards to designate certain roads as
2 no maintenance roads.

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

4 Section 1. That § 31-13-1 be amended to read as follows:

5 31-13-1. The board of township supervisors shall construct, repair, and maintain all of the
6 township roads within the township except for section lines designated as no maintenance
7 section lines pursuant to § 31-13-1.4 and roads designated as no maintenance roads pursuant to
8 section 2 of this Act. The township road system consists of section line roads; judicially
9 declared roads; roads impliedly accepted by the township through routine performance of certain
10 maintenance activities, such as grading, graveling and snow removal, and accepting funds from
11 the county pursuant to §§ 32-11-4.1 and 32-11-6 for a period of at least fifteen years; and any
12 other roads designated by resolution of the board as being on the township road system. A road
13 may only be vacated through the process specified in chapter 31-3. Before a road may be added
14 to the township road system, the road shall meet the minimum requirements specified in §§ 31-



1 18-2 and 31-13-4, unless the board, by resolution, waives this requirement.

2 Section 2. That chapter 31-13 be amended by adding thereto a NEW SECTION to read as
3 follows:

4 The board of township supervisors may close a road to vehicle travel if the road is unsafe
5 for vehicle travel. The board may also designate a closed road as a no maintenance road. The
6 board shall identify the beginning and end point of the road designated as no maintenance. The
7 board does not have any responsibility on a no maintenance road except to require removal or
8 remediation of a manmade obstruction, if needed, to maintain the public access.

9 Section 3. That chapter 31-13 be amended by adding thereto a NEW SECTION to read as
10 follows:

11 The board of township supervisors shall post signs on a no maintenance road to notify the
12 motoring public that it is a no maintenance road and that no vehicle travel is advised. The signs
13 shall be posted at each entry point and at regular intervals along a no maintenance road. A
14 properly posted sign is prima facie evidence that adequate notice of a no maintenance road has
15 been given to the motoring public.