

# State of South Dakota

SEVENTY-FIFTH SESSION  
LEGISLATIVE ASSEMBLY, 2000

808D0435

## HOUSE BILL NO. 1216

Introduced by: Representative Wetz and Senators Brown (Arnold) and Kleven

1 FOR AN ACT ENTITLED, An Act to revise certain provisions pertaining to easements from  
2 isolated tracts of land to public highways.

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

4 Section 1. That § 31-22-1 be amended to read as follows:

5 31-22-1. Every owner of an isolated tract of land containing at least ten acres not touched  
6 by a passable public highway or of a smaller tract of land ~~containing at least five acres~~ used or  
7 intended to be used in good faith in whole or in part for residential purposes is entitled to an  
8 easement or right-of-way across adjacent lands to reach a public highway, which easement or  
9 right-of-way may be secured as provided in this chapter. An isolated tract is ~~further defined as~~  
10 an area which is either inaccessible by motor vehicle because of natural barriers from all other  
11 land owned by the owner of the isolated tract or is such an area which is not touched by a  
12 passable public highway, which is in use or reasonably usable for motor vehicles as distinguished  
13 from public highways existing only by operation of law.