

# State of South Dakota

SEVENTY-SIXTH SESSION  
LEGISLATIVE ASSEMBLY, 2001

400E0724

SENATE TRANSPORTATION COMMITTEE

ENGROSSED NO. **SB 211** - 02/08/2001

Introduced by: Senators Bogue, Brown (Arnold), Duxbury, and Vitter and Representatives Jaspers, Broderick, Brown (Richard), Derby, Koistinen, Peterson (Bill), Richter, and Teupel

1 FOR AN ACT ENTITLED, An Act to restrict the erection or placement of unauthorized signs  
2 in any public highway right-of-way.

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

4 Section 1. That chapter 31-28 be amended by adding thereto a NEW SECTION to read as  
5 follows:

6 No person may place or maintain any unauthorized sign, signal, marking, or device within  
7 any public right-of-way or attach any unauthorized sign, signal, marking, or device to any  
8 existing sign or post in a public right-of-way. A violation of this section is a Class 1  
9 misdemeanor. In addition to any other penalty provided by law, the court, as a part of the  
10 sentence, shall assess the actual costs of removing the unauthorized sign, signal, marking, or  
11 device, in an amount of not less than one hundred dollars plus actual legal costs, against any  
12 person violating this section.

13 Section 2. That § 31-28-22 be amended to read as follows:

14 31-28-22. Every sign, signal ~~or marking,~~ marking, or device prohibited by §§ 31-28-19 ~~and~~

1 , 31-28-20, and section 1 of this Act is hereby declared to be a public nuisance and the  
2 Department of Transportation is hereby empowered to may remove the same or cause it to be  
3 removed without notice.

4 Section 3. The Transportation Commission may adopt rules, pursuant to chapter 1-26, to  
5 authorize the placement or maintenance of signs, other than official traffic control signs, within  
6 state highway right-of-way. The rules may include the following:

- 7 (1) Organization qualifying criteria;
- 8 (2) Application procedures;
- 9 (3) Size, spacing, and location within or over the right-of-way;
- 10 (4) Type of construction materials that can be used; and
- 11 (5) Erection, duration, and removal requirements.

12 The Transportation Commission may not promulgate rules pursuant to this section to  
13 authorize any commercial advertising within or over state highway right-of-way or to authorize  
14 any sign that is not otherwise authorized by law on or over interstate highway right-of-way.

15 Section 4. The governing body of the local government exercising jurisdiction over public  
16 highway right-of-way may, by resolution or ordinance, authorize the placement and maintenance  
17 of signs for special events or activities for a limited period of time on or over the right-of-way  
18 under its control.

19 Section 5. The Department of Game, Fish and Parks or its designee may mark or sign a state  
20 snowmobile trail within any public right-of-way or public land. The Department of Game, Fish  
21 and Parks may place signs within any public right-of-way providing directions to a state owned  
22 or managed public use area.

23 Section 6. That chapter 31-28 be amended by adding thereto a NEW SECTION to read as  
24 follows:

1        Nothing in this chapter may be deemed to limit or encroach upon the practice and activity  
2 of a professional licensed pursuant to chapter 36-18A, performing his or her professional duties.

3        Section 7. That chapter 31-28 be amended by adding thereto a NEW SECTION to read as  
4 follows:

5        Nothing in this chapter may be deemed to limit or encroach upon the activity of a utility  
6 company in the conduct of its business.