

State of South Dakota

SEVENTY-NINTH SESSION
LEGISLATIVE ASSEMBLY, 2004

372J0770

SENATE BILL NO. 188

Introduced by: Senator Sutton (Duane)

1 FOR AN ACT ENTITLED, An Act to revise certain provisions relating to access to isolated
2 tracts of land.

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 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—
13 ~~distinguished from public highways existing only by operation of law.~~ A tract of land adjoining
14 a section line right-of-way for at least sixty-six feet is not an isolated tract.

