

AN ACT

ENTITLED, An Act to designate certain highways by townships and counties as no maintenance highways.

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

Section 1. That chapter 31-12 be amended by adding a NEW SECTION to read:

The board of county commissioners may designate a highway as a no maintenance highway. The board shall, by resolution, identify the beginning and end point of the highway designated as no maintenance. The board does not have any responsibility or duty of care on a no maintenance highway, except upon knowledge of a manmade obstruction, to require removal or remediation of the manmade obstruction if needed, to maintain public access.

Section 2. That chapter 31-12 be amended by adding a NEW SECTION to read:

The board of county commissioners shall post signs on a no maintenance highway designated under section 1 of this Act to notify the public that it is a no maintenance highway and that no travel is advised, and that the public travels at its own risk. The signs shall be posted at each entry point and at regular intervals along a no maintenance highway. A properly posted sign is prima facie evidence that adequate notice of a no maintenance highway has been given to the public.

Section 3. That chapter 31-12 be amended by adding a NEW SECTION to read:

A no maintenance highway designated under section 1 of this Act is any highway that shall remain open to public access, but over which the board of county commissioners has no responsibility for maintenance or improvement.

Section 4. That § 31-3-45 be amended to read:

31-3-45. No vacation, change, or relocation of any highway as provided under this chapter, nor any no maintenance designation of a highway as provided under chapter 31-12, diminishes any existing right of use enjoyed by any utility, municipally owned utility, rural water system, or

cooperative utility that provides electricity, gas, water, or telephone service.

Section 5. That section 37 of the enrolled version of HB 1107 as previously enacted by the Ninety-Third Session Legislative Assembly, 2018, be repealed.

Section 6. That section 38 of the enrolled version of HB 1107 as previously enacted by the Ninety-Third Session Legislative Assembly, 2018, be repealed.

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I certify that the attached Act
originated in the
HOUSE as Bill No. 1257

Chief Clerk
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Speaker of the House

Attest:

Chief Clerk

President of the Senate

Attest:

Secretary of the Senate

House Bill No. 1257
File No. _____
Chapter No. _____

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Received at this Executive Office
this ____ day of _____ ,
20__ at _____ M.

By _____
for the Governor
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The attached Act is hereby
approved this _____ day of
_____, A.D., 20__

Governor

=====
STATE OF SOUTH DAKOTA,
ss.
Office of the Secretary of State

Filed _____, 20__
at _____ o'clock __ M.

Secretary of State

By _____
Asst. Secretary of State