

State of South Dakota

NINETY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 2018

904Z0150

HOUSE LOCAL GOVERNMENT

ENGROSSED NO. **HB 1257** - 2/22/2018

This bill has been extensively amended (hoghoused) and may no longer be consistent with the original intention of the sponsor.

Introduced by: Representatives Livermont, Bordeaux, Kaiser, Lesmeister, May, Qualm, and Schaefer and Senators Russell, Frerichs, Heinert, Killer, and Stalzer

1 FOR AN ACT ENTITLED, An Act to designate certain highways by townships and counties
2 as no maintenance highways.

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

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

5 The board of county commissioners may designate a highway as a no maintenance highway.

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

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

11 The board of county commissioners shall post signs on a no maintenance highway
12 designated under section 1 of this Act to notify the public that it is a no maintenance highway
13 and that no travel is advised, and that the public travels at its own risk. The signs shall be posted
14 at each entry point and at regular intervals along a no maintenance highway. A properly posted



1 sign is prima facie evidence that adequate notice of a no maintenance highway has been given
2 to the public.

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

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

7 Section 4. That chapter 31-12 be amended by adding a NEW SECTION to read:

8 Nothing in this chapter precludes any rural electric, telecommunications company, or entity
9 created by chapter 34A-5, 46A-3A, or 46A-9, or any nonprofit engaged in the treatment,
10 distribution, and sale of water to rural consumers from constructing, maintaining, or operating
11 any facility along, upon, or under publicly-owned land, including any road, highway, right-of-
12 way, street, alley, bridge, or causeway.

13 Section 5. That § 31-12-2 be amended to read:

14 31-12-2. Except for minimum maintenance roads established pursuant to § 31-12-46 or a
15 no maintenance road established pursuant to section 1 of this Act, no county highway system
16 may be changed, altered, or modified except by authority of and in accordance with a written
17 executive order of the Department of Transportation. Any such change shall be shown on the
18 map of the county highway system in an office designated by the board of county commissioners
19 and on such map in the Department of Transportation.