



2025 South Dakota Legislature

House Bill 1226

Introduced by: **Representative Kull**

1 **An Act to provide that no county transfer jurisdiction of a county highway to a**
2 **municipality unless the highway meets a minimum pavement condition**
3 **rating, or unless there is mutual agreement of the county and municipality.**

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

5 **Section 1. That § 31-12-2 be AMENDED:**

6 **31-12-2.** Except for minimum maintenance roads established pursuant to § 31-
7 12-46, or the transfer of a county highway to a municipality, pursuant to section 2 of this
8 Act, no county highway system may be changed, altered, or modified except by authority
9 of and in accordance with a written executive order of the Department of Transportation.
10 Any such change shall change must be shown on the map of the county highway system
11 in an office designated by the board of county commissioners and on such map in the map
12 with the Department of Transportation.

13 **Section 2. That a NEW SECTION be added to chapter 31-12:**

14 A county may relinquish or transfer jurisdiction over any public highway to a
15 municipality only if:

16 (1) The highway has a pavement condition index minimum rating of 85 or above; or
17 (2) There is mutual agreement between the county and the municipality to transfer
18 jurisdiction of a highway, even though the pavement condition index minimum
19 rating is less than 85.

20 The county must inform the Department of Transportation of a proposed transfer
21 of jurisdiction over a highway.

22 The county may only alter its highway plan by authority of, and in accordance with,
23 a written executive order of the department, pursuant to § 31-12-2.

- 1 For purposes of this section, "pavement condition index" means a numerical index
- 2 between 0 and 100 that is used to indicate the general condition of pavement on a section
- 3 of highway, with higher numbers indicating pavement in better condition.