



2026 South Dakota Legislature
House Bill 1188
ENROLLED

AN ACT

ENTITLED An Act to limit the liability of law enforcement officers and others when removing a disabled vehicle from a highway, a right of way, or public waters.

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

Section 1. That a NEW SECTION be added to chapter 32-30:

If the driver or person in charge of a disabled motor vehicle is unable to expeditiously arrange for the removal of the vehicle from the main-traveled portion of a highway pursuant to § 32-30-4, or from the right of way, or if a vehicle is an obstruction or hazard to traffic pursuant to § 32-30-14, any agent of the Division of Highway Patrol, the Department of Transportation, a sheriff, or a peace officer of this state may arrange for the removal of the vehicle to a garage or place of safety, pursuant to § 32-30-13. That person may also arrange for removal from the highway or right of way of any spilled cargo or other personal property belonging to the occupants of the motor vehicle, which could obstruct traffic or present a safety hazard.

The owner of the motor vehicle is responsible for any costs of removal incurred by the state, any political subdivision of the state, or any removal agency acting on behalf of the state or a political subdivision thereof.

Absent gross negligence or willful and wanton misconduct in removing the vehicle and its cargo, no agent of the Division of Highway Patrol, the Department of Transportation, a sheriff, or a peace officer of this state, and no removal agency as defined by § 32-36-2, or other person acting on behalf of any agent of the Division of Highway Patrol, the Department of Transportation, a sheriff, or a peace officer of this state, is liable for damages to the disabled motor vehicle, its cargo, the personal property of the motor vehicle's occupants, or the surrounding area.

Section 2. That a NEW SECTION be added to chapter 32-30:

Any agent of the Division of Highway Patrol, the Department of Transportation, the Department of Game, Fish and Parks, any sheriff or peace officer of this state, and any removal agency or other person acting at the direction of law enforcement or any state agency personnel specified in this section, may, in the interest of public safety, remove from the public waters of this state a disabled:

- (1) Boat, as defined in § 32-3A-2;
- (2) Motor vehicle, as defined in § 32-5-1;
- (3) Off-road vehicle, as defined in § 32-20-1; and
- (4) Snowmobile, as defined in § 32-20A-1.

The owner of the boat, motor vehicle, off-road vehicle, or snowmobile, is responsible for any costs of removal incurred by the state, any political subdivision of the state, or any removal agency acting on behalf of the state or a political subdivision thereof.

Absent gross negligence or willful and wanton misconduct in removing a boat, motor vehicle, off-road vehicle, or snowmobile, and its cargo, no agent of the Division of Highway Patrol, the Department of Transportation, the Department of Game, Fish and Parks, and no removal agency or other person acting under the direction of law enforcement or any state agency personnel specified in this section, is liable for damages to the disabled boat, motor vehicle, off-road vehicle, or snowmobile, or to its cargo, the personal property of the operator, or the surrounding area.

An Act to limit the liability of law enforcement officers and others when removing a disabled vehicle from a highway, a right of way, or public waters.

I certify that the attached Act originated in the:
House as Bill No. 1188

Chief Clerk of the House

Speaker of the House

Attest:

Chief Clerk of the House

President of the Senate

Attest:

Secretary of the Senate

House Bill No. 1188
File No. _____
Chapter No. _____

Received at this Executive Office
this _____ day of _____,
2026 at _____ M.

By _____
for the Governor

The attached Act is hereby
approved this _____ day of
_____, A.D., 2026

Governor

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

Filed _____, 2026
at _____ o'clock ___ M.

Secretary of State

By _____
Asst. Secretary of State