

State of South Dakota

NINETY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 2017

408Y0442

HOUSE TRANSPORTATION ENGROSSED NO. **HB 1087** - 2/7/2017

Introduced by: Representatives Tulson, Clark, Goodwin, Jensen (Kevin), McCleerey, Rozum, Schoenfish, Tieszen, and Turbiville and Senators Stalzer, Bolin, Frerichs, Greenfield (Brock), and Klumb

1 FOR AN ACT ENTITLED, An Act to authorize the recovery of attorney's fees in civil actions
2 relating to highway obstructions.

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

4 Section 1. That § 31-32-8 be amended to read:

5 31-32-8. Any person violating the provisions of § 31-32-3.1, 31-32-6, or 31-32-7, in addition
6 to the judgments authorized by those sections, shall also be liable in a civil action to the
7 township, county, municipality, or other public corporation to which ~~such~~ the highway, highway
8 right-of-way, or bridge belonged, in ~~such~~ the amount as may be recovered against ~~such~~ the
9 township, county, municipality, or other public corporation, including a reasonable amount for
10 attorney's fees, on account of the injury or obstruction referred to in ~~such sections~~ § 31-32-3.1,
11 31-32-6, or 31-32-7.

12 Section 2. That § 31-32-9 be amended to read:

13 31-32-9. The governing body or board having charge of any street, road, or highway shall
14 cause rock, stone, glass, or other obstruction placed in ~~such~~ the street, road, or highway, to be



1 removed ~~therefrom~~, or in the event that the same is flooded by irrigation water, ~~such~~ the street,
2 road, or highway shall be repaired ~~and the first and second class.~~ The municipality, township,
3 ~~or county, as the case may be, shall be~~ or other public corporation is entitled to recover ~~of any~~
4 from any person placing ~~such~~ the obstruction in ~~such~~ the street, road, or highway, or allowing
5 the water to flow upon the same, the amount necessarily expended in the removal or repair
6 ~~thereof, including a reasonable amount for attorney's fees, and~~ ~~such~~ the action may be
7 commenced in any court in the county having jurisdiction ~~thereof~~. This section ~~shall~~ does not
8 apply to the placing of rock or stone in the streets, roads, or highways temporarily for building
9 purposes.