

State of South Dakota

NINETY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 2018

400Z0578

SENATE BILL NO. 59

Introduced by: The Committee on Transportation at the request of the Department of
Tourism

1 FOR AN ACT ENTITLED, An Act to authorize the Department of Tourism to permit certain
2 commercial advertising in information centers.

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

4 Section 1. That § 31-2-24 be amended to read:

5 31-2-24. To the end described in § 31-2-23, the Department of ~~State Development~~ Tourism
6 may contract with persons, or publicity and advertising agencies to purchase space on billboards
7 and in magazines, papers, and periodicals and time on radio and television stations and contract
8 for other publicity for the dissemination of advertising information, historical facts, statistics,
9 and pictures that are useful and informative to the traveling public and to attract tourists to the
10 state. The department may contract with motion picture producers and others for the taking of
11 moving pictures or still pictures in the state and may provide for the showing of the films when
12 taken. The department may join with other governmental departments of the state in publishing
13 such informational or publicity matter.

14 Section 2. That § 31-29-59 be amended to read:

15 31-29-59. In order to provide information to the traveling public, the ~~Office~~ Department of



1 Tourism may maintain maps and permit informational directories and advertising pamphlets to
2 be made available at safety rest areas, and may establish information centers at safety rest areas
3 for the purpose of informing the public of places of interest within the state and providing other
4 information as may be considered desirable. The department may contract to offer information
5 through advertising or a media display, other than an informational directory or advertising
6 pamphlet. The advertising or media display may be at an information center if the advertising
7 or media display is exhibited solely within the information center and the advertising or media
8 display is not legible from the main traveled way. The proceeds from any advertising or media
9 display shall be deposited into the tourism promotion fund for the operation, maintenance, and
10 expansion of information center exhibits.

11 Section 3. That § 31-29-62 be amended to read:

12 31-29-62. Terms used in § 31-29-59 and §§ 31-29-61 to 31-29-87, inclusive, ~~unless the~~
13 ~~context otherwise requires~~, mean:

- 14 (1) "Abandoned sign," a sign or sign structure that is blank, obliterated or displays
15 obsolete advertising material for a period in excess of twelve continuous months;
- 16 (2) "Advertising area," the area of the sign face including border and trim, but not
17 supports or aprons;
- 18 (3) "Blank sign," a sign that is void of advertising material;
- 19 (4) "Department," the South Dakota State Department of Transportation;
- 20 (5) "Directional information," route markers, mileage markers, directions to on-site
21 location and information sufficient to guide a traveling motorist to a specific facility;
- 22 (6) "Directional sign," a sign designated, described and authorized by 23 U.S.C.
23 § 131(c)(1) and the rules and regulations promulgated thereunder as of July 1, 1979;
- 24 (7) "Information center," an area or site established and maintained at safety rest areas

1 for the purpose of informing the public of places of interest within the state and
2 providing such other information as the Department of Tourism may consider
3 desirable;

4 (8) "Interstate system," that portion of the national system of interstate and defense
5 highways located within this state, as officially designated, or as may hereafter be so
6 designated, by the state Department of Transportation and approved by the United
7 States secretary of transportation, pursuant to the provisions of Title 23, United States
8 Code;

9 (9) "Obliterated sign," a sign that is totally or partially painted out so as not to identify
10 a particular product, service or facility;

11 (10) "Obsolete advertising material," material advertising a product or service no longer
12 in use or available;

13 (11) "On-premise sign," a sign identifying an establishment's activities, products or
14 services conducted or available on the property upon which it is located and signs
15 advertising the sale or lease of the property upon which they are located;

16 (12) "Outdoor advertising," any outdoor sign, display, device, light, figure, drawing,
17 painting, message, plaque, poster, or billboard, which is designed, intended or used
18 to advertise or inform, any part of the advertising or information contents of which
19 is visible from any place on the main-traveled way of the interstate or primary
20 systems;

21 (13) "Primary system," that portion of connected main highways, as officially designated,
22 or as may hereafter be so designated, by the state department of transportation, and
23 approved by the United States secretary of transportation, pursuant to the provisions
24 of Title 23, United States Code;

1 (14) "Quadrant of an interstate interchange," one of the four quarters created by the
2 intersection of an interstate highway and a crossroad that is not part of the interstate
3 system;

4 (15) "Safety rest area," an area or site established and maintained within or adjacent to the
5 right-of-way by or under public supervision or control, for the convenience of the
6 traveling public;

7 (16) "Service road," a graded and surfaced road providing public access to property within
8 two thousand five hundred feet of an interstate highway centerline;

9 (17) "Specific or defined area," an economic area that would suffer substantial economic
10 hardship by the removal of any directional sign, display, or device, providing
11 directional information about goods and services in the interest of the traveling
12 public;

13 (18) "Tourist oriented directional sign, display or device providing directional information
14 about goods and services in the interest of the traveling public," any sign, display, or
15 device giving directional information pertaining to rest stops, food services, lodging,
16 campgrounds, gasoline and automotive services, and natively produced handicraft
17 goods, and informing the traveling public of highway route mileage and site location
18 and reference. Such directional information shall be in existence on such signs as of
19 May 5, 1976;

20 (19) "Urban area," as defined by 23 U.S.C. § 101; and

21 (20) "Zoned commercial or industrial areas," those areas which are zoned commercial or
22 industrial pursuant to Title 11.

23 Section 4. That § 31-29-83 be amended to read:

24 31-29-83. Nothing in §§ 31-29-61 to 31-29-83, inclusive, authorizes the state or any political

1 subdivision to operate or maintain, directly or indirectly, any commercial activity in any safety
2 rest area or information center. This section does not apply to any commercial advertising or
3 media display pursuant to § 31-29-59, to a vending facility, vending soft drinks only, operated
4 for the benefit of visually impaired vendors licensed by the Division of Service to the Blind and
5 Visually Impaired or to a vending facility vending newspapers only. The Transportation
6 Commission may promulgate rules pursuant to chapter 1-26 to establish a form upon which a
7 newspaper vendor may apply for the placement of a vending machine; to establish provisions
8 and standards for the location, operation, and maintenance of vending machines so as not to
9 interfere with the use of the rest area or information center by the traveling public; and to
10 maintain the orderly appearance of the vending facility.