

# State of South Dakota

NINETY-FOURTH SESSION  
LEGISLATIVE ASSEMBLY, 2019

751B0552

## HOUSE BILL NO. 1077

Introduced by: Representatives Willadsen, Anderson, Bartels, Brunner, Deutsch, Duvall, Goodwin, Hansen, Johns, Johnson (David), Livermont, Otten (Herman), Rounds, and Weis and Senators Schoenbeck, Blare, Bolin, Cronin, DiSanto, Kennedy, Langer, Monroe, Nelson, Rusch, Russell, Soholt, Solano, Stalzer, and Steinhauer

1 FOR AN ACT ENTITLED, An Act to revise provisions regarding designation of a no  
2 maintenance highway.

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

4 Section 1. That § 31-12-48 be amended to read:

5 31-12-48. ~~The~~ For any highway or segment of a highway the board of county commissioners  
6 determines, after public notice, is used less than is required for designation as a minimum  
7 maintenance highway under § 31-12-46, the board of county commissioners may designate a  
8 the highway as a no maintenance highway. The board shall, by resolution, identify the beginning  
9 and end point of the highway or segment of a highway designated as no maintenance. The board  
10 does not have any responsibility or duty of care on a no maintenance highway designated under  
11 this section, except upon knowledge of a manmade obstruction, to require removal or  
12 remediation of the manmade obstruction if needed, to maintain public access.

13 Section 2. That § 31-12-50 be amended to read:



1        31-12-50. A no maintenance highway designated under § 31-12-48 is any highway that shall  
2 remain open to public access, but over which the board of county commissioners has no  
3 responsibility for maintenance or improvement, except as provided under § 31-12-48.