

State of South Dakota

NINETY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 2019

474B0715

HOUSE BILL NO. 1266

Introduced by: Representatives Peterson (Kent) and Schoenfish and Senators Nelson, DiSanto, Jensen (Phil), and Maher

1 FOR AN ACT ENTITLED, An Act to provide opportunities for the private sector
2 commercialization of interstate rest areas and welcome centers.

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

4 Section 1. That chapter 31-8 be amended by adding a NEW SECTION to read:

5 Notwithstanding any other law, before the Department of Transportation closes any
6 interstate rest area or welcome center, the department shall determine if any opportunity exists
7 for a private-sector commercialization of the facility under the terms of a multi-year
8 lease-arrangement. The department shall advertise the availability of the facility for such a
9 purpose on its website and in other venues appropriate to the commercialization efforts.

10 If the department is unable to commercialize the facility after a period of advertising that
11 continues for at least twenty-four months, the department may take appropriate actions to close
12 or otherwise repurpose the facility.

13 Section 2. That § 31-8-16 be amended to read:

14 31-8-16. No automotive service station or other commercial establishment for serving motor
15 vehicle users may be constructed or located within the right-of-way of, or on publicly owned



1 or publicly leased land acquired or used for or in connection with, a controlled-access highway.
2 This section does not apply to a vending facility allowed pursuant to § 31-29-83 or to
3 private-sector commercialization permitted in accordance with section 1 of this Act. A violation
4 of this section is a Class 2 misdemeanor.

5 Section 3. That § 31-29-61 be amended to read:

6 31-29-61. The Legislature, recognizing the public investment in highways and in
7 justification of these expenditures, particularly the cost of maintenance which is borne wholly
8 by state funds, finds and declares that it is the policy of this state that the erection and
9 maintenance of outdoor advertising in areas adjacent to the right-of-way of the interstate and
10 primary systems within this state shall be regulated in accordance with the terms of this chapter.
11 All outdoor advertising determined to be nonconforming to the requirements of this chapter
12 shall be subject to removal. This section does not apply to private-sector commercialization
13 permitted in accordance with section 1 of this Act.

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

15 31-29-83. Nothing in §§ 31-29-61 to 31-29-83, inclusive, authorizes the state or any political
16 subdivision to operate or maintain, directly or indirectly, any commercial activity in any safety
17 rest area or information center. This section does not apply to any commercial advertising or
18 media display pursuant to § 31-29-59, to a vending facility, vending soft drinks only, operated
19 for the benefit of visually impaired vendors licensed by the Division of Service to the Blind and
20 Visually Impaired or to a vending facility vending newspapers only. This section does not apply
21 to private-sector commercialization permitted in accordance with section 1 of this Act.

22 The Transportation Commission may promulgate rules, pursuant to chapter 1-26, to
23 establish a form upon which a newspaper vendor may apply for the placement of a vending
24 machine; to establish provisions and standards for the location, operation, and maintenance of

- 1 vending machines so as not to interfere with the use of the rest area or information center by the
- 2 traveling public; and to maintain the orderly appearance of the vending facility.