

State of South Dakota

EIGHTY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 2009

400Q0191

HOUSE ENGROSSED NO. **HB 1024** - 1/21/2009

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

1 FOR AN ACT ENTITLED, An Act to authorize the Department of Transportation to regulate
2 the operation of off-road vehicles in certain state highway ditches.

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

4 Section 1. That § 32-20-12.1 be amended to read as follows:

5 32-20-12.1. Notwithstanding the provisions of § 32-20-12, the Transportation Commission
6 or any board of county commissioners by ordinance may, ~~by ordinance~~, prohibit the operation
7 of off-road vehicles in any highway ditch along any section of highway under its jurisdiction.
8 However, ~~no~~ neither the Transportation Commission nor any board of county commissioners
9 may prohibit an off-road vehicle from crossing one side of the highway to the other. This section
10 does not affect off-road vehicles used in normal agricultural operation or service vehicles of any
11 utility while in the line of duty for the utility. For the purposes of this section, the term, utility,
12 means any provider of electric, gas, water, sewer, pipeline, or telecommunications service.

13 Notice of any restriction made pursuant to this section shall be given by placing and
14 maintaining regulatory signs at each end of the section of highway and at each point of
15 intersection. The signs shall be of substantial construction which conspicuously indicates the



1 restriction.