

# State of South Dakota

SEVENTY-FOURTH SESSION  
LEGISLATIVE ASSEMBLY, 1999

930C0127

## HOUSE BILL NO. 1070

Introduced by: Representatives Brooks, Crisp, Hunt, and Kooistra and Senators Madden, Albers, and Munson (David)

1 FOR AN ACT ENTITLED, An Act to authorize county road districts to establish and enforce  
2 certain vehicle speed and weight restrictions and to revise certain county road district  
3 formation requirements.

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

5 Section 1. That § 31-12A-1 be amended to read as follows:

6 31-12A-1. ~~A populated~~ Any area outside the boundary of a municipality, which is situated  
7 so that the construction or maintenance of roads becomes desirable, may be incorporated by its  
8 landowners as a road district pursuant to this chapter.

9 Section 2. That § 31-12A-21 be amended to read as follows:

10 31-12A-21. The board of trustees may:

- 11 (1) Appoint a treasurer and a clerk, an engineer, attorney, and other employees for the  
12 road district and fix their compensation. These officers shall hold their respective  
13 offices at the pleasure of the board, and be bonded for the faithful performance of  
14 their duties as may be required by the board;
- 15 (2) Sue and be sued and contract in the name of the district;
- 16 (3) Adopt a corporate seal;

1 (4) Construct roadways and maintain them;

2 (5) Borrow money, levy taxes, and special assessments, and issue bonds pursuant to  
3 § 31-12A-23;

4 (6) Establish and enforce speed and weight limits and other restrictions on roads under  
5 the road district's jurisdiction in accordance with the provisions of sections 5 to 10,  
6 inclusive, of this Act.

7 Section 3. That chapter 31-12A be amended by adding thereto a NEW SECTION to read  
8 as follows:

9 Any road constructed or maintained pursuant to this chapter is a public highway, and any  
10 speed limits, vehicle weight limits, and any other vehicle or traffic regulations on such roads may  
11 be enforced by any law enforcement officer or by any person designated by the board of trustees  
12 of the district pursuant to section 10 of this Act.

13 Section 4. That subdivision (14) of § 32-14-1 be amended to read as follows:

14 (14) "Local authorities," every county, municipal, township, road district, and other local  
15 board or body having authority to adopt local police regulations under the  
16 Constitution and laws of this state;

17 Section 5. That § 32-14-3 be amended to read as follows:

18 32-14-3. Local authorities, except as expressly authorized by §§ ~~32-25-16 and 32-29-2~~ shall  
19 ~~have no power or authority to~~ chapter 32-25 and § 32-29-2, may not alter any speed limitations  
20 declared in chapter 32-25 or to enact or enforce any ordinance, charter provision, or bylaw  
21 duplicating the provisions of chapter 32-23 or to enact or enforce any rule or regulation contrary  
22 to the provisions of chapters 32-14 to 32-19, inclusive, or 32-22 and 32-24 to 32-34, inclusive,  
23 except as provided by §§ 32-14-4 and 32-14-5.

24 Section 6. That § 32-14-6 be amended to read as follows:

25 32-14-6. Local authorities, including road districts, may by ordinance or resolution prohibit

1 the operation of vehicles upon any highway or impose restrictions as to the weight of vehicles  
2 for a total period not to exceed ninety days in any one calendar year, ~~when. Such prohibitions~~  
3 or restrictions apply only to vehicles to be operated upon any highway under the jurisdiction of  
4 and for the maintenance of which such local authorities are responsible ~~whenever any said~~ and  
5 only if the highway by reason of deterioration, rain, snow, or other climatic conditions will be  
6 seriously damaged or destroyed unless the use of vehicles ~~thereon~~ on the highway is prohibited  
7 or the permissible weights ~~thereof~~ of the vehicles are reduced. ~~Such local authorities~~ Any local  
8 authority enacting any such ordinance or resolution shall erect and maintain or cause to be  
9 erected and maintained signs designating the provisions of the ordinance or resolution at each  
10 end of that portion of any highway affected ~~thereby and the~~ by the ordinance or resolution. The  
11 ordinance or resolution ~~shall not be effective until or~~ is not valid unless such signs are erected  
12 and maintained.

13 Section 7. That § 32-14-7 be amended to read as follows:

14 32-14-7. Local authorities, including road districts, may also by ordinance or resolution  
15 prohibit the operation of trucks or other commercial vehicles or impose limitations as to the  
16 weights ~~thereof~~ of such vehicles on designated highways, ~~which. The~~ prohibitions and limitations  
17 shall be designated by appropriate signs placed on such highways.

18 Section 8. That § 32-22-47 be amended to read as follows:

19 32-22-47. The board of county commissioners of any county, the board of supervisors of any  
20 township, the board of trustees of any road district, or the transportation commission of the  
21 South Dakota Department of Transportation, their officers or agents, shall erect and maintain  
22 at a point on the right-of-way and within one hundred feet of both entrances to any bridge and  
23 may, where they deem necessary, erect and maintain at the nearest road intersection in each  
24 direction from any bridge, upon any public highway which it is the duty of the boards to maintain  
25 and repair, a conspicuous sign specifying in large numerals, the maximum weight of any vehicle,

1 laden or unladen, which may enter upon or cross over such bridge. No bridge signing is  
2 necessary for bridges which can accommodate motor vehicles operating under the legal weight  
3 maximums provided in § 32-22-16.

4 Section 9. That § 32-25-9.1 be amended to read as follows:

5 32-25-9.1. Any board of county commissioners may determine and establish speed zones  
6 upon all or any part of the highways under its jurisdiction and upon streets and highways on the  
7 request of and after any other local authority, including any road district, having charge of the  
8 maintenance ~~thereof~~ of the highway has declared its intention to post speed zones. Such speed  
9 zones shall be conspicuously posted at the beginning and ending of the zones.

10 Section 10. That § 32-33-1 be amended to read as follows:

11 32-33-1. The county highway superintendent ~~of each organized county shall have authority~~  
12 ~~to~~ may act in the capacity of a peace law enforcement officer within the boundaries of the county  
13 in which ~~he~~ the superintendent holds office, for the purpose of enforcement of all license and  
14 loading laws and traffic regulations governing the highways of the state, and ~~shall have authority~~  
15 ~~to~~ may stop any ~~and all vehicles~~ vehicle as defined in § 32-14-1 for the purpose of examining or  
16 measuring the form or for weighing the loads transported ~~thereon, and~~ on the vehicle. The  
17 superintendent may place violators of the provisions of this title under arrest without warrant for  
18 offenses committed in ~~his~~ the superintendent's presence, and take any violator of the provisions  
19 of this title and any vehicle which does not conform to any provisions of this title or of the  
20 registration or license laws, to the nearest convenient circuit or magistrate court for trial at the  
21 earliest opportunity, ~~and the~~. The court shall impound any offending vehicle and not permit the  
22 ~~same~~ vehicle to be driven until it ~~shall be made to conform~~ conforms to the laws relating to  
23 licensing and registration and also the provisions of this title relating to lighting, loading, and  
24 size. The board of trustees of any road district formed pursuant to chapter 31-12A may designate  
25 one or more persons to act in the capacity of law enforcement officers on highways under the

1 jurisdiction of the road district for purposes of enforcing speed and weight limits and other  
2 vehicle and traffic laws on such highways. Such persons have the same powers and obligations  
3 with respect to highways under the jurisdiction of the road district as those set forth in this  
4 section for the county highway superintendent.