

# State of South Dakota

SEVENTY-SIXTH SESSION  
LEGISLATIVE ASSEMBLY, 2001

717E0140

## SENATE BILL NO. 144

Introduced by: Senators Vitter and Putnam and Representatives Broderick, Bartling,  
Pederson (Gordon), Slaughter, and Van Gerpen

1 FOR AN ACT ENTITLED, An Act to prohibit placing any object or conducting any activity on  
2 or within the public highway right-of-way without written permission and to provide  
3 penalties therefor.

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

5 Section 1. That chapter 31-32 be amended by adding thereto a NEW SECTION to read as  
6 follows:

7 Except as may be expressly provided by law, no person may conduct any activity or place  
8 or maintain any object, encroachment, or obstruction on or within the public highway right-of-  
9 way without written permission of the governing body exercising jurisdiction over that public  
10 highway right-of-way. A violation of this section is a Class 1 misdemeanor. If such person has  
11 violated this section, the person has committed a public nuisance and is subject to the provisions  
12 of §§ 21-10-5 and 21-10-9. Any person who damages any public highway while committing an  
13 act in violation of this section is liable for any damages resulting either directly or as the  
14 proximate cause of such act.

15 Section 2. That § 31-32-5 be repealed.

1 ~~31-32-5. Any person who shall place a barbed wire fence across any traveled road, whether~~  
2 ~~the same be or be not a public highway, without at the same time building an obstruction across~~  
3 ~~said road outside of and not farther away from said fence than two rods, consisting of at least~~  
4 ~~two boards or poles securely fastened to three upright posts, commits a petty offense and is liable~~  
5 ~~to the person injured for all damages sustained.~~

6 Section 3. That § 31-28-23 be amended to read as follows:

7 31-28-23. No person may, without lawful authority, attempt or actually alter, deface, injure,  
8 knock down, remove, or in any manner molest or interfere with any official highway marker,  
9 sign, guide board, traffic-control device, or any railroad sign or signal, barrier, warning device,  
10 or sign erected in connection with highway maintenance or construction activities. A violation  
11 of this section is a Class 1 misdemeanor. Any person who violates this section is liable for any  
12 damages resulting either directly or as the proximate cause of such act.