

State of South Dakota

SEVENTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2001

717E0140

HOUSE JUDICIARY COMMITTEE ENGROSSED NO.

SB 144 - 02/24/2001

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

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding signs in any public
2 right-of-way.

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

4 Section 1. That § 31-28-23 be amended to read as follows:

5 31-28-23. No person may, without lawful authority, attempt or actually alter, deface, injure,
6 knock down, remove, or in any manner molest or interfere with any official highway marker,
7 sign, guide board, traffic-control device, or any railroad sign or signal, barrier, warning device,
8 or sign erected in connection with highway maintenance or construction activities. A violation
9 of this section is a Class 1 misdemeanor. Any person who violates this section is responsible for
10 the cost of repairing or replacing such markers, signs, signals, barriers, or devices.

11 Section 2. That chapter 31-28 be amended by adding thereto a NEW SECTION to read as
12 follows:

13 No person may place or maintain any unauthorized sign, signal, marking, or device within
14 any public right-of-way or attach any unauthorized sign, signal, marking, or device to any

1 existing sign or post in a public right-of-way. An initial violation of this section is a petty offense.
2 Any subsequent violation by the same person under substantially similar circumstances is a Class
3 2 misdemeanor. In addition to any other penalty provided by law, the court, as a part of the
4 sentence, shall assess the actual costs of removing the unauthorized sign, signal, marking, or
5 device.

6 Section 3. That § 31-28-22 be amended to read as follows:

7 31-28-22. Every sign, signal ~~or~~, marking, or device prohibited by §§ 31-28-19 ~~and~~, 31-28-20,
8 and section 2 of this Act is hereby declared to be a public nuisance and the Department of
9 Transportation ~~is hereby empowered to~~ or local authorities within their respective jurisdiction
10 may remove the same or cause it to be removed without notice.

11 Section 4. The Department of Game, Fish and Parks or its designee may mark or sign a state
12 snowmobile trail within any public right-of-way or public land. The Department of Game, Fish
13 and Parks may place signs within any public right-of-way providing directions to a state owned
14 or managed public use area.

15 Section 5. That chapter 31-28 be amended by adding thereto a NEW SECTION to read as
16 follows:

17 Nothing in this chapter may be deemed to limit or encroach upon the practice and activity
18 of a professional licensed pursuant to chapter 36-18A, performing his or her professional duties.