

## AN ACT

ENTITLED, An Act to authorize county road districts to establish certain vehicle speed and weight restrictions and to revise certain county road district formation requirements.

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

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

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

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

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

- (1) Appoint a treasurer and a clerk, an engineer, attorney, and other employees for the road district and fix their compensation. These officers shall hold their respective offices at the pleasure of the board, and be bonded for the faithful performance of their duties as may be required by the board;
- (2) Sue and be sued and contract in the name of the district;
- (3) Adopt a corporate seal;
- (4) Construct roadways and maintain them;
- (5) Borrow money, levy taxes, and special assessments, and issue bonds pursuant to § 31-12A-23;
- (6) Establish speed and weight limits and other restrictions on roads under the road district's jurisdiction in accordance with the provisions of sections 5 to 9, inclusive, of this Act.

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

Any road constructed or maintained pursuant to this chapter is a public highway, and any speed limits, vehicle weight limits, and any other vehicle or traffic regulations on such roads may be

enforced by any law enforcement officer.

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

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

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

32-14-3. Local authorities, except as expressly authorized by chapter 32-25 and § 32-29-2, may not alter any speed limitations declared in chapter 32-25 or enact or enforce any ordinance, charter provision, or bylaw duplicating the provisions of chapter 32-23 or enact or enforce any rule or regulation contrary to the provisions of chapters 32-14 to 32-19, inclusive, or 32-22 and 32-24 to 32-34, inclusive, except as provided by §§ 32-14-4 and 32-14-5.

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

32-14-6. Local authorities, including road districts, may by ordinance or resolution prohibit the operation of vehicles upon any highway or impose restrictions as to the weight of vehicles for a total period not to exceed ninety days in any one calendar year. Such prohibitions or restrictions apply only to vehicles to be operated upon any highway under the jurisdiction of and for the maintenance of which such local authorities are responsible and only if the highway by reason of deterioration, rain, snow, or other climatic conditions will be seriously damaged or destroyed unless the use of vehicles on the highway is prohibited or the permissible weights of the vehicles are reduced. Any local authority enacting any such ordinance or resolution shall erect and maintain or cause to be erected and maintained signs designating the provisions of the ordinance or resolution at each end of that portion of any highway affected by the ordinance or resolution. The ordinance or resolution is not valid unless such signs are erected and maintained.

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

32-14-7. Local authorities, including road districts, may by ordinance or resolution prohibit the

operation of trucks or other commercial vehicles or impose limitations as to the weights of such vehicles on designated highways. The prohibitions and limitations shall be designated by appropriate signs placed on such highways.

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

32-22-47. The board of county commissioners of any county, the board of supervisors of any township, the board of trustees of any road district, or the transportation commission of the South Dakota Department of Transportation, their officers or agents, shall erect and maintain at a point on the right-of-way and within one hundred feet of both entrances to any bridge and may, where they deem necessary, erect and maintain at the nearest road intersection in each direction from any bridge, upon any public highway which it is the duty of the boards to maintain and repair, a conspicuous sign specifying in large numerals, the maximum weight of any vehicle, laden or unladen, which may enter upon or cross over such bridge. No bridge signing is necessary for bridges which can accommodate motor vehicles operating under the legal weight maximums provided in § 32-22-16.

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

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

Section 10. That § 6-16-2 be amended to read as follows:

6-16-2. The application for organization shall be a petition verified by one or more circulators by affidavit stating that each affiant personally witnessed the signatures on the petition and believe the signatures to be genuine. The petition shall be signed by at least twenty-five percent of the landowners within the proposed district who are also registered voters within the district. If the proposed district is in two or more counties, a petition shall be filed in each county and each petition

shall be signed by at least twenty percent of the landowners within the proposed district who are also registered voters within the proposed district in that county. The petition shall be accompanied by a deposit covering the estimated costs as determined by the county auditor of the public notices and the conduct of the election for the formation of the district. If the district to be formed is a road district that contains no registered voters, the petition requirements are based solely on landowners.

Section 11. That § 6-16-6 be amended to read as follows:

6-16-6. A person who is a landowner in the proposed district and is registered to vote in the proposed district may vote in the elections provided for in § 6-16-5. However, the qualifications of a voter for irrigation district elections are provided in chapter 46A-4. Absentee voting is allowed pursuant to chapter 12-19 for the election on the question of formation of the special district. If the district to be formed is a road district that contains no registered voters, voter eligibility is based solely on landowners.

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

31-12A-5. The application for organization shall be as provided in § 6-16-2 and shall be filed with the county auditor and presented to the board of county commissioners for consideration at its next meeting.

Section 13. That chapter 31-12A be amended by adding thereto a NEW SECTION to read as follows:

No political subdivision of the state may relinquish or transfer jurisdiction over any public highway to a road district.

An Act to authorize county road districts to establish certain vehicle speed and weight restrictions and to revise certain county road district formation requirements.

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I certify that the attached Act  
originated in the

HOUSE as Bill No. 1070

\_\_\_\_\_  
Chief Clerk

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\_\_\_\_\_  
Speaker of the House

Attest:

\_\_\_\_\_  
Chief Clerk

\_\_\_\_\_  
President of the Senate

Attest:

\_\_\_\_\_  
Secretary of the Senate

House Bill No. 1070  
File No. \_\_\_\_\_  
Chapter No. \_\_\_\_\_

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Received at this Executive Office  
this \_\_\_\_\_ day of \_\_\_\_\_ ,

19\_\_\_\_ at \_\_\_\_\_ M.

By \_\_\_\_\_  
for the Governor

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The attached Act is hereby  
approved this \_\_\_\_\_ day of  
\_\_\_\_\_, A.D., 19\_\_\_\_

\_\_\_\_\_  
Governor

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STATE OF SOUTH DAKOTA,  
ss.

Office of the Secretary of State

Filed \_\_\_\_\_, 19\_\_\_\_  
at \_\_\_\_\_ o'clock \_\_ M.

\_\_\_\_\_  
Secretary of State

By \_\_\_\_\_  
Asst. Secretary of State