

State of South Dakota

SEVENTY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 1999

930C0127

SENATE ENGROSSED NO. **HB1070** - 2/18/99

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 certain vehicle
2 speed and weight restrictions and to revise certain county road district formation
3 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 speed and weight limits and other restrictions on roads under the road
5 district's jurisdiction in accordance with the provisions of sections 5 to 9, inclusive,
6 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.

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

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

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

17 32-14-3. Local authorities, except as expressly authorized by ~~§§ 32-25-16 and 32-29-2~~ shall
18 ~~have no power or authority to~~ chapter 32-25 and § 32-29-2, may not alter any speed limitations
19 declared in chapter 32-25 or to enact or enforce any ordinance, charter provision, or bylaw
20 duplicating the provisions of chapter 32-23 or to enact or enforce any rule or regulation contrary
21 to the provisions of chapters 32-14 to 32-19, inclusive, or 32-22 and 32-24 to 32-34, inclusive,
22 except as provided by §§ 32-14-4 and 32-14-5.

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

24 32-14-6. Local authorities, including road districts, may by ordinance or resolution prohibit
25 the operation of vehicles upon any highway or impose restrictions as to the weight of vehicles

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

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

13 32-14-7. Local authorities, including road districts, may ~~also~~ by ordinance or resolution
14 prohibit the operation of trucks or other commercial vehicles or impose limitations as to the
15 weights ~~thereof of such vehicles~~ on designated highways, ~~which. The~~ prohibitions and limitations
16 shall be designated by appropriate signs placed on such highways.

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

18 32-22-47. The board of county commissioners of any county, the board of supervisors of any
19 township, the board of trustees of any road district, or the transportation commission of the
20 South Dakota Department of Transportation, their officers or agents, shall erect and maintain
21 at a point on the right-of-way and within one hundred feet of both entrances to any bridge and
22 may, where they deem necessary, erect and maintain at the nearest road intersection in each
23 direction from any bridge, upon any public highway which it is the duty of the boards to maintain
24 and repair, a conspicuous sign specifying in large numerals, the maximum weight of any vehicle,
25 laden or unladen, which may enter upon or cross over such bridge. No bridge signing is

1 necessary for bridges which can accommodate motor vehicles operating under the legal weight
2 maximums provided in § 32-22-16.

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

4 32-25-9.1. Any board of county commissioners may determine and establish speed zones
5 upon all or any part of the highways under its jurisdiction and upon streets and highways on the
6 request of and after any other local authority, including any road district, having charge of the
7 maintenance ~~thereof~~ of the highway has declared its intention to post speed zones. Such speed
8 zones shall be conspicuously posted at the beginning and ending of the zones.

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

10 6-16-2. The application for organization shall be a petition verified by one or more
11 circulators by affidavit stating that each affiant personally witnessed the signatures on the petition
12 and believe the signatures to be genuine. The petition shall be signed by at least twenty-five
13 percent of the landowners within the proposed district who are also registered voters within the
14 district. If the proposed district is in two or more counties, a petition shall be filed in each county
15 and each petition shall be signed by at least twenty percent of the landowners within the
16 proposed district who are also registered voters within the proposed district in that county. The
17 petition shall be accompanied by a deposit covering the estimated costs as determined by the
18 county auditor of the public notices and the conduct of the election for the formation of the
19 district. If the district to be formed is a road district that contains no registered voters, the
20 petition requirements are based solely on landowners.

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

22 6-16-6. A person who is a landowner in the proposed district and is registered to vote in the
23 proposed district may vote in the elections provided for in § 6-16-5. However, the qualifications
24 of a voter for irrigation district elections are provided in chapter 46A-4. Absentee voting is
25 allowed pursuant to chapter 12-19 for the election on the question of formation of the special

1 district. If the district to be formed is a road district that contains no registered voters, voter
2 eligibility is based solely on landowners.

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

4 31-12A-5. The application for organization shall be as provided in ~~§ 6-16-6~~ § 6-16-2 and
5 shall be filed with the county auditor and presented to the board of county commissioners for
6 consideration at its next meeting.

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

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

1 **BILL HISTORY**

2 1/16/99 First read in House and referred to Local Government. H.J. 73

3 1/21/99 Scheduled for Committee hearing on this date.

4 1/21/99 Local Government Deferred to another day.

5 1/28/99 Scheduled for Committee hearing on this date.

6 1/28/99 Local Government Do Pass Amended, Passed, AYES 11, NAYS 1. H.J. 235

7 2/1/99 House of Representatives Do Pass Amended, Passed, AYES 46, NAYS 20. H.J. 296

8 2/2/99 First read in Senate and referred to Local Government. S.J. 307

9 2/8/99 Scheduled for Committee hearing on this date.

10 2/10/99 Scheduled for Committee hearing on this date.

11 2/10/99 Local Government Do Pass Amended, Passed, AYES 6, NAYS 1. S.J. 416

12 2/12/99 Senate Deferred to another day. S.J. 485

13 2/16/99 Motion to Amend, Passed. S.J. 508

14 2/16/99 Senate Deferred to another day. S.J. 508

15 2/17/99 Senate Deferred to another day. S.J. 531

16 2/18/99 Motion to Amend, Passed. S.J. 568

17 2/18/99 Senate Do Pass Amended, Passed, AYES 23, NAYS 9. S.J. 569