

State of South Dakota

SEVENTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2002

942H0416

SENATE ENGROSSED NO. **HB 1172** - 02/08/2002

Introduced by: Representatives Jensen, Bartling, Broderick, Pederson (Gordon), and Pitts and
Senators Vitter, Brown (Arnold), de Hueck, and Hagen

1 FOR AN ACT ENTITLED, An Act to modify the duration period and signing requirements for
2 vehicle weight restrictions.

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

4 Section 1. That § 32-22-24 be amended to read as follows:

5 32-22-24. The maximum axle and axle group loadings as set forth in § 32-22-16 shall be
6 reduced during the period of each year from February fifteenth to April thirtieth, inclusive. The
7 proper highway authority, responsible for maintenance of the highways, shall set reduced load
8 limits during this period and may increase, lessen, or remove these restrictions if highway
9 conditions warrant. That authority may be exercised without formal resolution if the highway
10 authority erects or causes to be erected and maintained signs designating the restrictions. If
11 highway and climatic conditions warrant, the proper highway authority may extend the time
12 period mentioned in this section by ordinance or resolution. Nothing in this requirement,
13 however, removes or interferes with the proper highway authority imposing restrictions as set
14 forth in §§ 32-14-6, 32-14-7, and 32-22-25 to ~~32-22-27, inclusive.~~ Moreover, during the time
15 period mentioned in this section the transportation commission may, pursuant to § 32-22-42,



1 allow the issuance of overweight permits to heavier vehicles to permit ~~them~~ such vehicles to be
2 operated on those highways which the commission designates as capable of handling heavier
3 loads. A violation of this section is a Class 2 misdemeanor.

4 Section 2. That § 32-22-25 be amended to read as follows:

5 32-22-25. If, for any reason, the improved highways of this state are rendered incapable of
6 bearing the customary traffic without undue damage, or if it is considered by the Department of
7 Transportation ~~or~~ the county highway superintendent board of county commissioners of any
8 county, the board of supervisors of any township, or the board of trustees of any road district,
9 that the improved highways or any section of them under their jurisdiction would be damaged
10 or destroyed by heavy traffic by reason of thawing or excessive moisture, or for any reason, the
11 maximum weight of the vehicle and the load shall be reduced. Notice of any restriction under this
12 section shall be given by placing at ~~the beginning and~~ each end of that section of highway on
13 which the allowable weight limit is reduced and at points of intersection, as deemed necessary
14 by the proper highway authority, signs of substantial construction which conspicuously indicate
15 the limitations of the gross weight of the vehicle. Exceeding such weight limits is a Class 2
16 misdemeanor.

17 Section 3. That § 32-14-6 be amended to read as follows:

18 32-14-6. Local authorities, including road districts, may by ordinance or resolution prohibit
19 the operation of vehicles upon any highway or impose restrictions as to the weight of vehicles
20 ~~for a total period not to exceed ninety days in any one calendar year~~ allowed. Such prohibitions
21 or restrictions apply only to vehicles to be operated upon any highway under the jurisdiction of
22 and for the maintenance of which such local authorities are responsible and only if the highway
23 by reason of ~~deterioration~~ physical condition, rain, snow, or other climatic conditions will be
24 seriously damaged or destroyed unless the use of vehicles on the highway is prohibited or the

1 permissible weights of the vehicles are reduced. Any local authority enacting any such ordinance
2 or resolution shall erect and maintain or cause to be erected and maintained signs designating the
3 provisions of the ordinance or resolution at each end of that portion of any highway affected by
4 the ordinance or resolution. The ordinance or resolution is not valid unless such signs are erected
5 and maintained.