



APPENDIX A

DISCLAIMER

This list of South Dakota Codified Laws is intended to assist the towns and townships with items relating to the County Wide Signing Program. It is not intended to be an exhaustive list of all applicable state laws. The towns and townships are encouraged to research any applicable state laws that may apply to a particular situation. These laws were in effect at the time of this list's creation. Please research any possible changes.

Appendix A

The following statutes are for general reference only. As of July 1, 2018, numerous changes in specific language of many of the following laws have been enacted. Please refer to current language.

SD State Codified Laws on No Maintenance and Minimum Maintenance Roads

31-12-46. Minimum maintenance roads established.

The board of county commissioners may designate any road on the county highway system as a minimum maintenance road if the board determines that the road or a segment of the road is used only occasionally or intermittently for passenger and commercial travel. The board shall identify the beginning and end points of the road designated as minimum maintenance. A minimum maintenance road may be maintained at a level less than the minimum standards for full maintenance roads, but shall be maintained at the level required to serve the occasional or intermittent traffic.

31-12-47. Posting notification of minimum maintenance road.

The board of county commissioners shall post signs on a minimum maintenance road to notify the motoring public that it is a minimum maintenance road and that the public travels on the road at its own risk. The signs shall be posted at the entry points to and at regular intervals along a minimum maintenance road. A properly posted sign shall be prima facie evidence that adequate notice of a minimum maintenance road has been given to the motoring public.

31-13-1. Township supervisors responsible for secondary roads.

The board of township supervisors shall construct, repair, and maintain all of the township roads within the township except for section lines designated as no maintenance section lines pursuant to § 31-13-1.4. The township road system consists of section line roads; judicially declared roads; roads impliedly accepted by the township through routine performance of certain maintenance activities, such as grading, graveling and snow removal, and accepting funds from the county pursuant to §§ 32-11-4.1 and 32-11-6 for a period of at least fifteen years; and any other roads designated by resolution of the board as being on the township road system. A road may only be vacated through the process specified in chapter 31-3. Before a road may be added to the township road system, the road shall meet the minimum requirements specified in §§ 31-18-2 and 31-13-4, unless the board, by resolution, waives this requirement.

31-13-1.1. Designation of minimum maintenance road--Level of maintenance.

The board of township supervisors may designate a secondary road within the township as a minimum maintenance road if the board determines that the road or a segment of the road is used only occasionally or intermittently for passenger and commercial travel. The board shall identify the beginning and end points of the road designated as minimum maintenance. A minimum maintenance road may be maintained at a level less than the minimum standards for full maintenance roads, but shall be maintained at the level required to serve the occasional or intermittent traffic.

31-13-1.2. Posting of warning signs on minimum maintenance roads.

The board of township supervisors shall post signs on a minimum maintenance road to notify the motoring public that it is a minimum maintenance road and that the public travels on the road at its own risk. The signs shall be posted at the entry points to and at regular intervals along a minimum maintenance road. A properly posted sign shall be prima facie evidence that adequate notice of a minimum maintenance road has been given to the motoring public.

31-13-1.3. Designation of full and minimum maintenance roads at annual meeting--Map.

The board shall, at its annual meeting, designate which township roads are full maintenance roads and which are minimum maintenance roads. The board of township supervisors shall publish any resolution designating a township road as minimum maintenance if the road is a school route. The designation is final, after a lapse of thirty days, unless appealed as provided in chapter 31-3. Following its annual meeting, the board shall submit to the county auditor an official map showing each road on the township road system, including any road designated as a minimum maintenance road.

31-13-1.4. Designation of no maintenance section line.

The board of township supervisors may designate an unimproved section line not maintained for vehicle travel as a no maintenance section line. The board shall identify the beginning and end point of the section line designated as no maintenance. The board does not have any responsibility on a no maintenance section line except to require removal or remediation of a manmade obstruction, if needed, to maintain the public access.

31-13-1.5. Posting of signs on no maintenance section line.

The board of township supervisors shall post signs on a no maintenance section line to notify the motoring public that it is a no maintenance section line and that no travel is advised. The signs shall be posted at each entry point and at regular

intervals along a no maintenance section line. A properly posted sign is prima facie evidence that adequate notice of a no maintenance section line has been given to the motoring public.

31-13-1.6. Designation of road unsafe for vehicle travel as no maintenance road.

The board of township supervisors may designate a road that is unsafe for vehicle travel as a no maintenance road. The board shall identify the beginning and end point of the road designated as no maintenance. The board does not have any responsibility on a no maintenance road except to require removal or remediation of a manmade obstruction, if needed, to maintain the public access.

31-13-1.7. Posting of signs that no vehicle travel is advised on no maintenance road.

The board of township supervisors shall post signs on a no maintenance road to notify the motoring public that it is a no maintenance road and that no vehicle travel is advised. The signs shall be posted at each entry point and at regular intervals along a no maintenance road. A properly posted sign is prima facie evidence that adequate notice of a no maintenance road has been given to the motoring public.

As of July 1, 2018 new statutes provide authority to County to declare a no maintenance road along with required signing. Please refer to SDCL for further information.

SD State Codified Laws on Local Roads

31-12-7. Divisions of system into sections--Recording in county road book.

The county highway superintendent shall maintain in a county road book a complete record of the divisions of the county highway system into sections, each section being designated by some appropriate number, name, or letter, and the starting point and terminus of each section being clearly designated at length.

31-12-18. Width of culverts.

All culverts constructed on the county highway system shall have a clear roadway of not less than twenty-four feet.

31-12-26. Responsibility for secondary roads in unorganized territory.

Each board of county commissioners and county superintendent of highways in organized counties shall construct, repair, and maintain all secondary roads within the counties not included in any municipality, organized civil township, improvement district organized pursuant to chapter 7-25A, or county road district organized pursuant to chapter 31-12A.

31-13-4. Width of highway grades.

Plans and specifications for contracts let by the board of township supervisors shall provide that all highway grades shall be not less than twenty feet in width.

31-3-6. Power of county commissioners and township supervisors to vacate, change, or locate highway on petition - Contents of petition.

Upon receiving the petition of two or more voters of an organized civil township or of the number of voters equal to or greater than one percent of the ballots cast for the last gubernatorial election in the affected county, the board of supervisors of the township or the board of county commissioners wherein the highway is located or is proposed to be located may, except as provided in §§ 31-3-12 and 31-3-44, vacate, change, or locate any highway located or to be used within the township or county, if the public interest will be better served by the proposed vacating, changing, or locating of the highway. The petition of the voters shall set forth the beginning, course, and termination of the highway proposed to be located, changed, or vacated, together with the names of the owners of the land through which the highway may pass

31-3-6.1. Exception--Access to public lands.

Notwithstanding any other provisions of this chapter, no county or township may vacate a highway which provides access to public lands. For the purposes of this section, public land does not include any school and public lands.

31-3-8. Resolution and order of board--Description of land--Map maintained by county auditor.

The resolution and order provided for in § 31-3-7 shall describe the highway vacated, changed, or located in general language by description of the land across which the highway extends, or by landmarks or survey designate the particular highway intended. The county auditor shall prepare and maintain a current map showing the course and location of all county highways within or on the border of the county. The county auditor shall, within thirty days of the resolution and order provided for in § 31-3-7, make those changes to the map as necessary to reveal the course and location of any county highway vacated, changed, or located.

31-3-13. Highway on township line--Joint resolution.

In case the highway to be vacated, changed, or located is upon a township line, it shall be necessary that the board of supervisors of the adjoining civil township, or the board of county commissioners of the county, if the adjoining congressional township is unorganized, as the case may be, pass a like resolution and enter an order vacating, changing, or locating said highway.

31-3-18. Width of highway.

All public highways located under §§ 31-3-6 to 31-3-37, inclusive, shall be not less than four rods in width, and may be six rods in width when all residents of land adjoining such highway shall petition for such width, except that highways not exceeding one-half mile in length and not located on section lines may be not less than two rods in width when, in the judgment of the board of county commissioners, such width will be sufficient to accommodate properly the travel thereon. Every order locating or changing any highway shall specify the width thereof.

31-9-1. Relinquishment of highways in national parks--Cession of jurisdiction.

The Department of Transportation and the board of county commissioners of an affected county, may relinquish to the United States for use and construction and control of highways by the secretary of interior, acting through the national park service, all of the interest of the state and the county in such portions of public highways lying within the boundaries of national parks and national monuments. The relinquishment of interest in the highways shall operate as a cession to the United States of jurisdiction for highway purposes over such portions of the highways lying within said national parks or national monuments.

31-9-4. County roads used by National Forest Service--Cooperative agreement for joint construction and use.

The board of county commissioners may enter into cooperative agreements with the Forest Service of the United States Department of Agriculture for the joint construction, maintenance, and use of roads located within the boundaries of the county, where such roads are used by the Forest Service in the protection, administration, and utilization of the national forests and are also used by communities or persons within or adjacent to such national forests in the use and development of the resources thereof or where such roads otherwise serve the needs of the public. Costs incurred by the county pursuant to the provisions of this section shall be appropriated from the county general fund.

31-14-2. County commissioners' responsibility for bridges and culverts.

The duty to construct and maintain all bridges and culverts throughout the county, except upon the state trunk highway system, is hereby imposed upon the board of county commissioners, subject to conditions relating to bridges and culverts on secondary highways in townships.

31-14-33. Inspection of township culverts--Duty of board of supervisors.

The township board of supervisors shall have each culvert on the secondary highways within the township annually inspected and, if necessary, repaired.

31-14-34. Inspection of culverts on secondary highways and county highway system--Duty of county highway superintendent.

The county highway superintendent shall make inspection of all culverts on secondary highways other than those described in § 31-14-33 and of all culverts on the county highway system and report to the board of county commissioners, which shall cause necessary repairs to be made.

31-17-1. County highway system on state line--Agreements for assignment of responsibility.

If any portion of a county highway system lies on a state line, the Department of Transportation may confer with the authorities of the bordering state and agree upon the assignment of portions of the highway to the counties of the two states for construction, repair, and maintenance.

31-17-4. County highway system on county line--Effect of assignment to county.

Any portion of a county highway system lying on a county line and assigned to a county by the Transportation Commission for construction and maintenance shall be considered as lying fully within the county and all procedure and requirements apply as if the road lay wholly within the limits of one county.

31-17-5. Secondary highway on county line--Assignment of responsibility.

The secondary highways on county lines shall be assigned to the charge of the boards of supervisors of organized civil townships or the board of county commissioners in the case of unorganized territory as may be agreed upon by the respective boards of county commissioners and in case of disagreement, as determined by the Transportation Commission.

31-17-6. Secondary highway on township line--Assignment of responsibility.

The secondary highways wholly within one county on lines between organized townships shall be assigned to the charge of such townships as the respective boards of supervisors may agree, and, in case of disagreement, as the board of county commissioners shall determine; and those on the line between organized civil townships and unorganized territory as the board of commissioners shall determine.

31-17-7. Boundary line highways between organized townships--Equal contribution by townships required unless mutual agreement reached.

Adjoining townships shall contribute equally to the construction, improvement, and repair of any township highway that lies on a section line forming the boundary between the townships. However, this section and §§ 31-17-8 to 31-17-15, inclusive, do not prohibit the supervisors of adjoining townships, by a majority of the supervisors from each township, from scheduling and holding a joint meeting of their township boards to mutually agree on alternative procedures for apportioning the responsibilities and costs of constructing, altering, or repairing any township boundary line highway, bridge, or culvert. Each township clerk shall record the time and location of the joint meeting and shall immediately publish notice of the proposed joint meeting in the same manner provided in §§ 8-3-4 and 8-3-5. Any order, notice, award, or apportionment contract, and any other documents resulting from the joint meeting shall be produced in duplicate, filed with each township office, and recorded by each township clerk. Any order, contract, or mutual agreement made before July 1, 1995, between adjoining township boards of supervisors apportioning or reapportioning a township boundary line road, bridge, or culvert is hereby validated and has the same force and effect as though executed after that date.

31-17-16. Secondary highways on municipal boundaries--Assignment of responsibility.

The secondary highways on the boundary line of any municipality shall be assigned to such municipality and adjoining civil township or unorganized territory as provided in §§ 31-17-5 and 31-17-6.

31-18-1. Existence of section-line highways by operation of law.

There is along every section line in this state a public highway located by operation of law, except where some portion of the highway along such section line has been heretofore vacated or relocated by the lawful action of some authorized public officer, board, or tribunal.

31-18-2. Width of highways--Side from which taken.

Every statutory section-line highway shall be sixty-six feet wide and shall be taken equally from each side of the section line, unless changed as provided in this title, but nothing herein contained shall prevent the highway authority charged with the construction, reconstruction, or repair of any public highway along a section line from purchasing or condemning right-of-way for widening the highway to more than sixty-six feet or from purchasing or condemning more right-of-way on one side of the section line than on the other, provided they deem it necessary so to do in order to provide a better highway, to avoid destruction of trees or valuable buildings or to avoid unsuitable terrain.

31-18-3. Vacation or change of location of highways.

The board of county commissioners may vacate or change the location of any section-line highway within its county and the board of supervisors of an organized township may vacate or change the location of any section-line highway within its township, as provided in this title, but neither board may vacate or change any portion of the state trunk highway system or any highway constructed by state or federal aid or any highway within the limits of a municipal corporation, nor may a board of supervisors vacate or change any portion of the county highway system. In addition, no board of county commissioners or board of supervisors may vacate a section-line highway which provides access to public lands. This section does not prohibit the closing of a section-line highway to vehicular traffic if the highway is unsafe for vehicular traffic. For the purposes of this section, public land does not include any school and public lands.

31-18-4. Relict lands--Highway rights continue.

The apportionment, division, or survey of lands acquired by reliction, either by the owner or owners of such lands, or by virtue of the judgment of any court, pursuant to the provisions of this code, shall not in any manner operate as an abandonment or vacation of any legal highway along or across any such lands, and all section-line highways along or across any such lands shall continue to be public highways until changed or vacated in the manner provided by law.

31-24-1. Duty of highway authorities to provide access to abutting property at public expense--New construction.

If the construction, improvement, and repair of any public highway by the state, or by any county or township, leaves a ditch or elevation along the roadside and deprives any abutting landowner of easy and convenient access from the owner's land to the highway, the highway authority, except as provided by chapters 31-7 and 31-8, shall provide the owner of the abutting tract or farm, as well as each church, school, park, playground, or other public building or ground, with one point of easy and convenient access to a public highway by constructing at the public expense, such grades, approaches, bridges, culverts, or other structures as may be necessary for that purpose. However, the provision

authorizing construction of entrances at the expense of the authority having charge of the maintenance only applies to new construction.

31-24-2. Approaches necessitated by highway construction--Maintenance.

Approaches required by § 31-24-1 shall be built by the highway authority constructing the highway if the building of such approach becomes necessary as a result of highway construction. In all cases any such structure, culvert, bridge, or approach so constructed shall be maintained and kept in repair by the highway authorities who are charged with the maintenance of the highway.

31-24-3. Limitation on number of farm entrances--Additional entrances at owner's expense.

The owner, as a matter of right, is not entitled under § 31-24-1 to the construction of more than one farm entrance on any one tract or parcel of land at the expense of the public authority whose duty it is to maintain the highway. However, the owner may at the owner's expense upon making application to and receiving written consent of the authority construct other entrances if the entrances are constructed at the place and in the manner designated by the authority in its written permit.

31-24-4. Additional entrances to property previously having more than one farm entrance--Limitations.

Notwithstanding § 31-24-3, if at the time of the construction, improvement, or repair of any public highway the abutting owner has more than one farm entrance to the highway, which entrance has been in reasonably constant use for more than two years prior to the new construction the owner shall be furnished a like number of entrances by the authority having charge of the construction, improvement, or repair, if the entrances do not materially add to the hazard of public travel on the highway. However, no owner of property adjoining the highway is entitled to more than two such entrances at the expense of the authority charged with the maintenance of the highway, on any one continuous half mile of adjoining property.

31-28-6. Warning signs at points of danger--Maintenance--Violation as misdemeanor.

The public board or officer whose duty it is to repair or maintain any public highway shall erect and maintain at points in conformity with standard uniform traffic control practices on each side of any sharp turn, blind crossing, or other point of danger on such highway, except railway crossings marked as required in § 31-28-7, a substantial and conspicuous warning sign. The sign shall be on the right-hand side of the highway approaching such point of danger. Failure to comply with the provisions of this section is a Class 1 misdemeanor.

31-28-7. Railway crossing signs--Maintenance--Violation as misdemeanor.

The public board or officer whose duty it is to repair or maintain any public highway shall erect and maintain at points in conformity with standard uniform traffic control practices on each side of the place at which a highway crosses an operational railway track or right-of-way, except within the limits of municipalities, a standard railroad advance warning sign. The sign shall be on the right-hand side of the highway approaching such crossing and at a distance from the crossing as the department or other controlling body shall direct. Any legally abandoned or nonoperational track which is crossed by a public highway and at which the crossing has been properly marked as a railway grade crossing may be marked with a supplemental sign, meeting uniform traffic control practices, to inform drivers of vehicles identified in § 32-29-5 that a stop is not required at that crossing. Failure to comply with the provisions of this section is a Class 1 misdemeanor.

31-28-16. Arterial highways--Right-of-way--Violation as misdemeanor.

The department and boards of county commissioners may designate certain state and county highways, or portions thereof, as preferential or arterial highways. The traffic upon any highway so designated shall have the right-of-way. Failure to comply with the provisions of this section is a Class 2 misdemeanor.

31-28-28. Unauthorized possession of official signs or markers as misdemeanor.

No person may possess any sign, guide board, mileage post, signal, or marker erected by the state or by any governmental subdivision unless obtained in a legal manner. A violation of this section is a Class 1 misdemeanor.

31-14-6. Restrictions respecting weight of vehicle--Duration of period of restriction--Signs designating restricted area.

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 allowed. 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 physical condition, 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.

32-14-7. Prohibiting trucks or commercial vehicles from use of designated highways--Erection of signs.

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.

32-22-47. Maximum vehicle weight on bridges--Required and permissible signs--Exception.

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 Department of Transportation, shall erect and maintain at a point on the right-of-way and within six hundred feet of both entrances to any bridge and may, where it is deemed 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 board or department 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 the bridge. No bridge signing is necessary for bridges which can accommodate motor vehicles operating under the legal weight maximums provided in § 32-22-16.

32-25-17. Posting stop signs at intersections with increased maximum--Illumination of stop signs.

Local authorities shall place and maintain upon all through highways under their jurisdiction upon which the permissible speed is increased adequate signs giving notice of such special regulations. Local authorities shall also place and maintain upon each and every highway under their jurisdiction intersecting any said through highway, appropriate stop signs which shall be illuminated at night or so placed as to be illuminated by the headlights of an approaching vehicle.

32-29-1. Indication of right-of-way by stop or yield signs.

Preferential right-of-way at an intersection may be indicated by stop signs or yield signs as authorized in § 32-29-2.

32-29-2. Stop and yield signs to designate through highways--Visibility at night.

The Department of Transportation with reference to state highways and local authorities with reference to highways under their jurisdiction may designate main traveled or through highways by erecting at the entrances thereto from intersecting highways stop or yield signs. All such signs shall be illuminated at night or so placed as to be illuminated by headlights of an approaching vehicle.

32-30-2.4. No-parking zones posted by department--Temporary zones--Signs--Violation as misdemeanor.

The Department of Transportation with respect to highways under its jurisdiction may promulgate rules pursuant to chapter 1-26 to prohibit or restrict the stopping, standing, or parking of vehicles on any highway if such stopping, standing, or parking is dangerous to those using the highway or if the stopping, standing, or parking of vehicles would unduly interfere with the free movement of traffic thereon. If such a rule is promulgated, the highway shall be signed to indicate where such stopping, standing, or parking is prohibited. The secretary of transportation may establish a temporary no parking zone, not to exceed ninety days, if the secretary of public safety and the secretary of transportation, after consultation with the director of the highway patrol, agree that a no parking zone is necessary for the protection of life and property. Such signs are official signs and no person may stop, stand, or park any vehicle in violation of the restrictions stated on such signs. A violation of this section is a Class 2 misdemeanor.

32-30-11.9. Signs to state penalties for illegal use of designated parking spaces--Certain penalties apply although not stated.

Each sign designating a parking space for a person with a physical disability shall state the penalty for illegal use of the parking space. This section only applies to a new sign or a sign that replaces an existing sign after July 1, 2002. However, any fine imposed pursuant to § 32-30-11.3, 32-30-11.4, or 32-30-11.8 applies whether or not the penalty is stated on the sign.

SD State Codified Laws on Speed Limits

32-25-1.1. Maximum daytime speed--Violation as misdemeanor.

Except as provided by § 32-25-4 or pursuant to § 32-25-7, no person may drive a vehicle upon a street or highway at a speed in excess of sixty-five miles per hour. A violation of this section is a Class 2 misdemeanor.

32-25-9.1. Establishment of speed zones by county commissioners--Posting of zones.

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.

32-25-9.2. Township road speed limit.

Unless otherwise provided pursuant to § 32-25-9.1, no person may drive a vehicle on a township road in excess of fifty-five miles per hour. Driving in excess of the speed limit established in this section is a Class 2 misdemeanor.

32-25-12. Speed limit in unposted urban areas--Violation as misdemeanor.

In urban areas which are not zoned or posted as provided in § 32-25-7, the maximum lawful speed shall be twenty-five miles per hour. A violation of this section is a Class 2 misdemeanor.

32-25-13. Speed limit at obstructed railway crossings--Violation as misdemeanor.

When approaching within fifty feet of a grade crossing of any railway when the driver's view is obstructed, the maximum speed shall be fifteen miles per hour. A driver's view is obstructed if at any time during the last two hundred feet of his approach to such crossing he does not have a clear and uninterrupted view of any traffic on such railway for a distance of four hundred feet in each direction. A violation of this section is a Class 2 misdemeanor.

32-25-14. Speed limit in school zones--Violation as misdemeanor.

When passing a school during a school recess or while children are going to or leaving school during the opening or closing hours, the maximum lawful speed shall be fifteen miles per hour. A violation of this section is a Class 2 misdemeanor.

32-25-15. Speed limit at intersections with obstructed view--Violation as misdemeanor.

When approaching within fifty feet of and when traversing an intersection of highways when the driver's view is obstructed the maximum lawful speed shall be fifteen miles per hour. A driver's view is obstructed if at any time during the last fifty feet of his approach to such intersection, he does not have a clear and uninterrupted view of such intersection and of the traffic upon all of the highways entering such intersection for a distance of two hundred feet from such intersection. A violation of this section is a Class 2 misdemeanor.

**32-25-18. Special speed limits for bridges--Posting signs--Violation of posted speed limit as misdemeanor--
Established speed as conclusive maximum safe speed.**

The transportation commission upon request from any local authorities shall, or upon its own initiative may, conduct an investigation of any public bridge, causeway, or viaduct, and if it finds that such structure cannot with safety to itself withstand vehicles traveling at the speed otherwise permissible under this chapter, the commission shall determine and declare the maximum speed of vehicles which such structure can withstand and shall cause or permit suitable signs stating such maximum speed to be erected and maintained before each end of such structure. Violating such posted speed limits is a Class 2 misdemeanor.

The findings and determination of the commission shall be conclusive evidence of the maximum speed which can with safety to any such structure be maintained thereon.