

# State of South Dakota

EIGHTY-SIXTH SESSION  
LEGISLATIVE ASSEMBLY, 2011

930S0249

## HOUSE BILL NO. 1085

Introduced by: Representatives Nelson (Stace), Bolin, Carson, Greenfield, Hansen (Jon), Hoffman, Jensen, Liss, Magstadt, Miller, Moser, Olson (Betty), Steele, Tornow, and Verchio and Senators Nygaard, Lederman, Maher, Rave, and Rhoden

1 FOR AN ACT ENTITLED, An Act to prohibit certain political advertising in highway rights-  
2 of-way.

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

4 Section 1. That § 31-28-14 be amended to read as follows:

5 31-28-14. No unauthorized person may erect or maintain upon any highway, any warning  
6 or direction sign, marker, signal, or light in imitation of any official sign, marker, signal, or light  
7 erected under the provisions of this chapter. No person may erect or maintain upon any highway  
8 any traffic or highway sign or signal bearing thereon any commercial or political campaign  
9 advertising. Nothing in this section prohibits the erection or maintenance of any sign, marker,  
10 or signal bearing thereon the name of an organization authorized to erect the sign, marker, or  
11 signal by the department or any local authority as defined in this chapter.

12 Section 2. That § 31-28-20 be amended to read as follows:

13 31-28-20. No person may place or maintain nor may any public authority permit upon any  
14 highway or public right-of-way any traffic sign or signal bearing any commercial or political



1 campaign advertising. A violation of this section is a Class 2 misdemeanor.

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

3 31-28-22. Every sign, signal, marking, or device prohibited by §§ 31-28-19 and 31-28-20  
4 is hereby declared to be a public nuisance, and the Department of Transportation or local  
5 authorities within their respective ~~jurisdiction may remove the same or cause it to be removed~~  
6 ~~without notice~~ jurisdictions shall remove the sign, signal, marking, or device or cause it to be  
7 removed immediately. The removal may be done without notice.