

# State of South Dakota

EIGHTY-FIFTH SESSION  
LEGISLATIVE ASSEMBLY, 2010

932R0684

## SENATE BILL NO. 176

Introduced by: Senator Bartling and Representatives Vanneman and Deadrick

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding exceptions from  
2 billboard regulation.

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

4 Section 1. That § 31-29-63 be amended to read as follows:

5 31-29-63. No outdoor advertising ~~shall~~ may be erected within six hundred sixty feet of the  
6 nearest edge of the right-of-way and visible from the main-traveled way or beyond six hundred  
7 sixty feet of the nearest edge of the right-of-way visible from the main-traveled way, located  
8 outside an urban area and erected with the purpose of its message being read from the  
9 main-traveled way of the interstate or primary systems except the following:

- 10 (1) Directional and official signs and notices, as defined by subdivision § 31-29-62(6);
- 11 (2) Signs, displays, and devices advertising the sale or lease of property upon which they  
12 are located;
- 13 (3) Signs, displays, and devices advertising activities conducted on the property upon  
14 which they are located;
- 15 (4) Signs, displays, and devices located in areas which are designated industrial or



1 commercial by local authority as provided by Title 11 and within six hundred sixty  
2 feet of an interstate or primary highway;

3 (5) Signs, displays, and devices located in unzoned industrial or commercial areas as  
4 hereafter provided and within six hundred sixty feet of an interstate or primary  
5 highway;

6 (6) Signs, including both official public, and private business signs, for which the board  
7 shall make a uniform charge, giving specific information in the interest of the  
8 traveling public located within the rights-of-way of the interstate and primary systems  
9 in areas at appropriate distances from interchanges or intersections on such systems,  
10 the location of which shall be determined by the Department of Transportation, any  
11 provision of chapter 31-28 or of this chapter to the contrary notwithstanding;

12 (7) Signs lawfully in existence on October 22, 1965, determined by the State  
13 Transportation Commission to be landmark signs, including signs on farm structures  
14 or natural surfaces, of historic or artistic significance, the preservation of which  
15 would be consistent with the purposes of this chapter;

16 (8) Warning signs placed by public utilities for the protection of underground utility  
17 cables;

18 (9) Signs exempt from removal in certain defined areas that are in the specific interest  
19 of the traveling public and have qualified for an economic hardship exemption  
20 pursuant to § 31-29-80;

21 (10) Signs, displays, and devices advertising the distribution of nonprofit organizations  
22 of free coffee to individuals traveling on the interstate system or the primary system.  
23 For the purposes of this subdivision, the term, free coffee, shall include coffee for  
24 which a donation may be made, but is not required; or

1       (11) Signs, displays, and devices located on private property and within six hundred sixty  
2       feet of an interstate or primary highway if written permission is granted by the  
3       property owner and the sign, display, or device complies with local zoning  
4       ordinances.