

# State of South Dakota

EIGHTY-FIFTH SESSION  
LEGISLATIVE ASSEMBLY, 2010

400R0428

## SENATE BILL NO. 62

Introduced by: The Committee on Transportation at the request of the Department of Public Safety

1 FOR AN ACT ENTITLED, An Act to revise the notice requirements for closure of a highway  
2 and to provide a civil penalty for failure to comply with a closure.

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

4 Section 1. That § 31-4-14.2 be amended to read as follows:

5 31-4-14.2. Notice to the public that a state trunk highway is closed or its use is restricted  
6 shall be given in one or more of the following forms:

7 (1) Erection of suitable barriers upon the highway to restrict or prohibit travel;

8 (2) ~~Post~~ Issue warning and notice of the condition of the highway for travel in generally  
9 available media outlets;

10 (3) Post signs for direction of traffic upon the highway relative to use or nonuse of the  
11 highway;

12 (4) Place warning devices on the highway; or

13 (5) Place flagmen to warn, detour, or direct traffic on the highway.

14 Section 2. That § 31-4-14.3 be amended to read as follows:

15 31-4-14.3. Any person who ~~intentionally~~ fails to observe any sign, marker, warning, notice



1 or direction, or barrier placed or given under § 31-4-14.2 is guilty of a Class 2 misdemeanor.  
2 Any unauthorized presence on a closed highway is prima facie evidence of a violation of this  
3 section. If, as a result of a violation of this section for failure to observe a notice provided  
4 pursuant to ~~subdivision 31-4-14.2(1), (4), or (5)~~ § 31-4-14.2, any agency of the State of South  
5 Dakota or any governmental subdivision incurs any costs for the purpose of rescuing the  
6 violator, any passengers, or the vehicle operated by the violator, the violator is ~~civilly liable to~~  
7 ~~the State of South Dakota for such costs,~~ subject to a civil action by the State of South Dakota  
8 in circuit court for the recovery of a civil penalty of one thousand dollars and the actual cost of  
9 any such rescue, in an amount not to exceed ten thousand dollars.