



2020 South Dakota Legislature

Senate Bill 79

Introduced by: **Senator Klumb**

1 **An Act to modify provisions regarding the building of fences across certain**
 2 **unimproved highways.**

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

4 **Section 1.** That § 31-25-1.1 be AMENDED:

5 **31-25-1.1. Fences--Unimproved Section-Line Highways--Gates--Access--**
 6 **Notification--Violation as misdemeanor.**

7 A landowner may erect a fence across an unimproved county, township, or
 8 section-line highway. For the purposes of this section, an unimproved county, township,
 9 or section-line highway is any county, township, or section line not commonly used as a
 10 public right-of-way ~~and never altered from its natural state in any way for the purpose of~~
 11 ~~facilitating vehicular passage.~~ At any point where a fence crosses such highway, the
 12 landowner shall erect and maintain an unlocked gate which may be opened easily or
 13 provide other suitable access to the highway. If the gate or other access is not large
 14 enough or if the gate does not open easily enough to satisfy the needs of those using the
 15 highway, the landowner shall erect a larger gate or a gate that can be more easily opened
 16 or provide other suitable access to the highway. The landowner shall erect the larger gate
 17 or the gate which opens easily or provide the other suitable access upon a request filed
 18 with the sheriff of the county in which the land is located by an adversely affected person.
 19 If a request is filed, the sheriff shall notify the landowner. The landowner shall comply
 20 with the provisions of this section within seven days of notice. A landowner who violates
 21 any of the provisions of this section is guilty of a Class 2 misdemeanor.