

AN ACT

ENTITLED, An Act to authorize the recovery of attorney's fees in civil actions relating to highway obstructions.

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

Section 1. That § 31-32-8 be amended to read:

31-32-8. Any person violating the provisions of § 31-32-3.1, 31-32-6, or 31-32-7, in addition to the judgments authorized by those sections, shall also be liable in a civil action to the township, county, municipality, or other public corporation to which the highway, highway right-of-way, or bridge belonged, in the amount as may be recovered against the township, county, municipality, or other public corporation, including a reasonable amount for attorney's fees, on account of the injury or obstruction referred to in § 31-32-3.1, 31-32-6, or 31-32-7.

Section 2. That § 31-32-9 be amended to read:

31-32-9. The governing body or board having charge of any street, road, or highway shall cause rock, stone, glass, or other obstruction placed in the street, road, or highway, to be removed, or in the event that the same is flooded by irrigation water, the street, road, or highway shall be repaired. The municipality, township, county, or other public corporation is entitled to recover from any person placing the obstruction in the street, road, or highway, or allowing the water to flow upon the same, the amount necessarily expended in the removal or repair, including a reasonable amount for attorney's fees, and the action may be commenced in any court in the county having jurisdiction. This section does not apply to the placing of rock or stone in the streets, roads, or highways temporarily for building purposes.

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I certify that the attached Act
originated in the
HOUSE as Bill No. 1087

Chief Clerk

Speaker of the House

Attest:

Chief Clerk

President of the Senate

Attest:

Secretary of the Senate

House Bill No. 1087
File No. _____
Chapter No. _____

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Received at this Executive Office
this ____ day of _____,
20__ at _____ M.

By _____
for the Governor

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The attached Act is hereby
approved this _____ day of
_____, A.D., 20__

Governor

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STATE OF SOUTH DAKOTA,
ss.
Office of the Secretary of State

Filed _____, 20__
at _____ o'clock __ M.

Secretary of State

By _____
Asst. Secretary of State