

State of South Dakota

EIGHTY-EIGHTH SESSION
LEGISLATIVE ASSEMBLY, 2013

400U0326

SENATE BILL NO. 48

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

1 FOR AN ACT ENTITLED, An Act to authorize the Transportation Commission to establish
2 rules governing the allowance, placement, and maintenance of newspaper vending machines
3 at interstate rest areas.

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

5 Section 1. That § 31-8-16 be amended to read as follows:

6 31-8-16. No automotive service station or other commercial establishment for serving motor
7 vehicle users may be constructed or located within the right-of-way of, or on publicly owned
8 or publicly leased land acquired or used for or in connection with, a controlled-access highway.
9 This section does not apply to a vending facility, ~~vending soft drinks only, operated for the~~
10 ~~benefit of any vendor who is blind or visually impaired licensed by the Division of Service to~~
11 ~~the Blind and Visually Impaired~~ allowed pursuant to § 31-29-83. A violation of this section is
12 a Class 2 misdemeanor.

13 Section 2. That § 31-29-83 be amended to read as follows:

14 31-29-83. Nothing in §§ 31-29-61 to 31-29-83, inclusive, authorizes the state or any political
15 subdivision to operate or maintain, directly or indirectly, any commercial activity in any safety



1 rest area or information center. This section does not apply to a vending facility, vending soft
2 drinks only, operated for the benefit of visually impaired vendors licensed by the Division of
3 Service to the Blind and Visually Impaired or to a vending facility vending newspapers only.
4 The Transportation Commission may promulgate rules pursuant to chapter 1-26 to establish a
5 form upon which a newspaper vendor may apply for the placement of a vending machine; to
6 establish provisions and standards for the location, operation, and maintenance of vending
7 machines so as not to interfere with the use of the rest area or information center by the traveling
8 public; and to maintain the orderly appearance of the vending facility.

9 Section 3. That § 31-32-13 be amended to read as follows:

10 31-32-13. It is a Class 2 misdemeanor for any person to conduct an establishment or
11 maintain a business the nature of which requires the use by patrons or customers of any part of
12 the right-of-way of a state trunk highway while the patron or customer is receiving or
13 discharging any merchandise or commodity at the place of business. This section does not apply
14 to streets within the limits of municipalities which are under the control and regulation of the
15 municipality. This section does not apply to a vending facility, ~~vending soft drinks only,~~
16 ~~operated for the benefit of visually impaired vendors licensed by the Division of Service to the~~
17 ~~Blind and Visually Impaired~~ allowed pursuant to § 31-29-83.