

# State of South Dakota

SEVENTY-NINTH SESSION  
LEGISLATIVE ASSEMBLY, 2004

372J0770

## HOUSE AGRICULTURE AND NATURAL RESOURCES COMMITTEE ENGROSSED NO. **SB 188** - 02/17/2004

Introduced by: Senator Sutton (Duane)

1 FOR AN ACT ENTITLED, An Act to revise certain provisions relating to access to isolated  
2 tracts of land.

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

4 Section 1. That § 31-22-1 be amended to read as follows:

5 31-22-1. Every owner of an isolated tract of land containing at least ten acres not touched  
6 by a passable public highway or smaller tract of land containing at least five acres used or  
7 intended to be used in good faith in whole or in part for residential purposes is entitled to an  
8 easement or right-of-way across adjacent lands to reach a public highway, which easement or  
9 right-of-way may be secured as provided in this chapter. An isolated tract is further defined as  
10 an area which is either inaccessible by motor vehicle because of natural barriers from all other  
11 land owned by the owner of the isolated tract or is such an area which is not touched by a  
12 passable public highway, which is in use or reasonably usable for motor vehicles—~~as~~  
13 ~~distinguished from public highways existing only by operation of law.~~ A tract of land adjoining  
14 a section line right-of-way for at least sixty-six feet is not an isolated tract if a passable road can  
15 be built within the adjoining section line to connect to a passable public highway.

