

## Compliance – Resource Bulletin

# SOUTH DAKOTA – State Specific Signs

## ADA Parking Signs

### Overview:

All states must comply with The Americans with Disabilities Act of 1990. It is a federal wide-ranging civil rights law that prohibits, under certain circumstances, discrimination based on disability. The 2010 ADA Standards for Accessible Design (ADAAG) stipulates design standards for accessible parking spaces. Section 502.6 of ADAAG and The Department of Transportation Standard for Highway Signs (MUTCD) both address design standards for the required signs.

### Resources:

**2010 ADAAG Standards:** (Free)

[http://www.ada.gov/2010ADASTandards\\_index.htm](http://www.ada.gov/2010ADASTandards_index.htm)

**MUTCD Standard for Highway Signs:** (Free)

[https://mutcd.fhwa.dot.gov/SHSe/shs\\_2004\\_2012\\_sup.pdf](https://mutcd.fhwa.dot.gov/SHSe/shs_2004_2012_sup.pdf)

### Design of Parking Signs:

- Accessible parking spaces must have a sign that includes the international symbol of accessibility and state “RESERVED PARKING.” Spaces designed for van parking must also have a sign stating “VAN ACCESSIBLE.” (ADAAG 502.6), (MUTCD R7-8)
- The sign should be 12”W x 18”H with green lettering and border on a white background. The symbol of accessibility should be 4”H and be white on a blue background. The symbol is a depiction of a person in a wheel chair. (MUTCD R7-8), (ADAAG 703.7.2.1)
- If required, the van accessible sign should be 12”W x 6”H and have green lettering and border on a white background or white lettering and border on a blue background. (MUTCD R7-8a, R&-8b)
- Signs should be mounted at least 60 inches above the parking surface so as to not be obstructed by any parked vehicles.
- Signs should be constructed to withstand the elements. An aluminum substrate with a reflective surface using UV stable ink is recommended. An anti-graffiti laminate surface might also be considered.
- Of note: Federal accessibility signs avoid the use of the text “handicapped” or “disabled” as a result of the Department of Justice’s efforts to make use of up-to-date accepted terminology and avoid stereotyping of individuals. (28CFR35.104)
- As of 9/1/2019 we are not aware of any additional ADA parking sign requirements in South Dakota other than those specified by the federal government in the 2010 ADAAG.

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### No Smoking Signs

#### Overview:

The State of South Dakota prohibits smoking in all public places and places of employment, including restaurants and bars. Exemptions to the statewide ban are granted to cigar bars, retail tobacco shops, and designated hotel/motel rooms. Title 34-46-14 became effective on 11/10/2010. (1240.1)

#### Resources:

**South Dakota Regulation:** (Free)

[http://www.sdlegislature.gov/Statutes/Codified\\_Laws/DisplayStatute.aspx?Type=Statute&Statute=34-46-14](http://www.sdlegislature.gov/Statutes/Codified_Laws/DisplayStatute.aspx?Type=Statute&Statute=34-46-14)

#### Design of No Smoking Signs:

- Though not required by law, at facilities where smoking is prohibited, it is common to post a no smoking sign which may also contain the international no smoking symbol, consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it.
- In facilities where both smoking and non-smoking areas are present, signs must be posted identifying the areas accordingly. (34-46-14)

### Swimming Pool Signs

#### Overview:

The State of South Dakota no longer regulates the operation of public swimming pools and spas. The Department of Environment & Natural Resources (DENR) does refer to some recommended standards for pool design and operation.

#### Resources:

**South Dakota DENR Website:** (Free)

<http://denr.sd.gov/des/dw/swimming.aspx>

**NSP Foundation:** (Free)

[http://nspf.org/en/Resources/News\\_StateCodes.aspx](http://nspf.org/en/Resources/News_StateCodes.aspx)

#### Design of Swimming Pool Signs:

As of 9/1/2019 South Dakota does not have any statewide requirements for the posting of signs at public pools or spas. Consult your county or municipality for information on any required swimming pool signs. Some municipalities recommend various signs in their pool manuals such as:

- A sign stating pool rules.
- A sign stating spa rules.
- A sign stating children's pool rules.

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### Concealed Weapon Signs

#### Overview:

The State of South Dakota allows its residents to carry a concealed firearm (CCW) without a permit for anyone who is 18 years of age and older and can legally possess a firearm. There are certain places such as schools, bars, courthouses, etc. where CCW is forbidden even with a permit. South Dakota honors the CCW permits of a number of other states.

#### Resources:

**South Dakota Regulation:** (Free) [http://www.sdlegislature.gov/Statutes/Codified\\_Laws/DisplayStatute.aspx?Type=Statute&Statute=23-7](http://www.sdlegislature.gov/Statutes/Codified_Laws/DisplayStatute.aspx?Type=Statute&Statute=23-7)

**Handgunlaw.com/South Dakota:** (Free) <http://www.handgunlaw.us/states/southdakota.pdf>

#### Design of Concealed Weapons Signs:

- Some states that allow CCW, with or without a required permit, have “opt out” laws that empower a private business to voluntarily create a “weapons free” zone by posting a “no concealed weapons allowed” sign on their premises. South Dakota law does not empower a business to create a “weapons free” zone by posting a sign, nor does it explicitly forbid the posting of such signs at businesses or facilities where CCW is forbidden.

### Cell Phone Signs

#### Overview:

As of 7/1/2014 South Dakota has barred all drivers from texting while driving. Drivers under 18 are barred from using handheld wireless devices while driving a motorized vehicle. Consult your local municipality for any local regulations. (32-26-47)

#### Resources:

**South Dakota Regulation:** (Free) [http://sdlegislature.gov/Statutes/Codified\\_Laws/DisplayStatute.aspx?Type=Statute&Statute=32-26-47](http://sdlegislature.gov/Statutes/Codified_Laws/DisplayStatute.aspx?Type=Statute&Statute=32-26-47)

**Handsfreeinfo.com:** (Free) <http://handsfreeinfo.com/south-dakota-cell-phone-laws-legislation/>

#### Design of Cell Phone Signs:

- As of 9/1/2019 we are unaware of any mandatory “no cell phone” sign postings required in South Dakota.



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### (Cell Phone Signs Continued)

- An efficient way to remind both commercial and private drivers of cell phone bans is to apply a “No Cell Phone Use While Driving” safety label or window decal to cars, taxi cabs, trucks, and buses.
- Of note: Because cell phones can be distracting by nature, it is common to see signs regulating cell phone use in public buildings such as theaters, airports, courtrooms, hospitals, buses, schools and school traffic zones.

## Baby Surrender Signs

### Overview:

Since the first baby surrender (safe-haven) law was enacted in Texas in 1999, all U.S. states, as well as the District of Columbia, have passed safe-haven legislation. The laws allow an unharmed infant to be relinquished to the proper authorities.

### Resources:

**South Dakota Regulation:** (Free) [http://www.nationalsafehavenalliance.org/maps/SouthDakota\\_Safe\\_Haven\\_Law.pdf](http://www.nationalsafehavenalliance.org/maps/SouthDakota_Safe_Haven_Law.pdf)

**NSH Alliance:** (Free) <https://www.nationalsafehavenalliance.org/>

### Design of Baby Surrender Signs:

- South Dakota allows for the relinquishing of a new born infant (60 days old or less) by a parent who no longer wishes to have custody of the child. The infant may be relinquished at any medical facility, fire station, or law enforcement agency as defined by the statute. As of 9/1/2019 we are unaware of any requirement in the law for the posting of signs. (25-5A-27)

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