

**SOUTH DAKOTA STATUTES
TITLE 32**

Any three-wheeled or four-wheeled all-terrain vehicle using a highway ditch or crossing a highway to get to and from a field or pasture and being used in the course of farm or ranch labor is exempt from the provisions of this chapter.

As used in this chapter, the following words shall mean:

(1) "Department" the Department of Public Safety.

(2) "Moped" a motor driven cycle equipped with two or three wheels. If a combustion engine is used, the maximum piston or rotor displacement shall be fifty cubic centimeters regardless of the number of chambers in such power source. The power source shall be equipped with a power drive system that functions directly or automatically only, not requiring clutching or shifting by the operator after the drive system is engaged.

(3) "Motorcycle" includes motorcycles, motorbikes, mopeds, bicycles with motor attached, and all motor operated vehicles of the bicycle or tricycle type, whether the motive power be a part thereof or attached thereto, and having a saddle or seat with the driver sitting astride or upon it, or a platform on which the driver stands, but excluding a tractor.

(4) "Off-road vehicle," any self-propelled, two or more wheeled vehicle designed primarily to be operated on land other than a highway and includes, but is not limited to, all terrain vehicles, dune buggies and any vehicle whose manufacturer's statement of origin (MSO) or manufacturer's certificate of origin (MCO) states that the vehicle is not for highway use. Off road vehicle does not include a farm vehicle as defined in § 32-3-2.4.

No person may operate a motorcycle, except a moped as defined in § 32-20-1 or a licensed all-terrain vehicle as provided by § 32-20-13, on the public streets or highways without a motor vehicle driver's license or permit upon which a state testing officer has certified that such person is qualified to operate such motorcycle. However, the operator of a moped or licensed all-terrain vehicle shall have a valid motor vehicle operator's license or permit. The department may waive the testing requirements upon completion of a motorcycle safety course approved pursuant to § 32-20-14. A violation of this section is a Class 2 misdemeanor.

Comment [r1]: State Law As of May 31, 2006

No person, other than a law enforcement officer or conservation officer, or any person on the person's own land or land leased by the person, may operate or ride on any motorcycle or off-road vehicle with any firearm in the person's possession unless the firearm is completely unloaded and within a carrying case which encloses the entire firearm. However, this section does not apply to any person who is carrying a pistol and possesses a permit to carry a concealed pistol issued pursuant to chapter 23-7. This section does not apply to any person who holds a permit issued pursuant to § 41-8-37 while engaged in hunting from an off-road vehicle in accordance with the provisions of the permit. This section shall be enforced by all law enforcement officers including conservation officers. A violation of this section is a Class 2 misdemeanor.

No person may operate on a public street or highway an off-road vehicle except for crossing from one side of the road to the other. A person twelve years of age or older may operate an off-road vehicle in a highway ditch if the vehicle is operated as close as possible to the outer edge of the highway right-of-way. However, no person may operate an off-road vehicle in a highway ditch along the interstate highway system, or operate an off-road vehicle on any lands owned, leased, or controlled by the Department of Game, Fish and Parks, or any highway ditch located within, except on a designated off-road vehicle area or designated trail, or operate an off-road vehicle in a highway ditch that is designated as part of the state snowmobile trails system pursuant to chapter 41-19 or a public bike trail. A violation of this section is a Class 2 misdemeanor.

Off-road vehicles need not be registered and licensed for use upon the highways except as provided in § 32-20-13. Off-road vehicles shall be titled. The Department of Revenue shall issue a certificate of title for off-road vehicles the same as for other motor vehicles subject to the provisions of chapter 32-3.

Any all-terrain vehicle with four or more wheels and with a combustion engine having a piston or rotor displacement of two hundred cubic centimeters or more may be licensed as a motorcycle pursuant to chapter 32-5 to be used on a public highway. Prior to being licensed the all-terrain vehicle shall meet the necessary light, brake, and other vehicle accessory requirements provided by chapters 32-15, 32-17, and 32-18 that are applicable to motorcycles. The licensed all-terrain vehicle may not be operated on the interstate highway system. A person who operates such a licensed all-terrain vehicle on the interstate highway system is guilty of a Class 2 misdemeanor.

SOUTH DAKOTA ADMINISTRATIVE RULES
Parks and Public Lands

No person may operate a motor-propelled vehicle of any type, including snowmobiles, minibikes, or all-terrain vehicles, except on designated roads and parking areas or on trails designated for a specific type of travel on lands owned, leased, or controlled by the department. This section does not apply to employees of the department in the performance of their duties.