

# State of South Dakota

EIGHTY-THIRD SESSION  
LEGISLATIVE ASSEMBLY, 2008

573P0437

## HOUSE BILL NO. 1282

Introduced by: Representatives Turbiville, Halverson, Krebs, Miles, Moore, and Novstrup  
(Al) and Senators Bartling, Hanson (Gary), Napoli, Schmidt (Dennis), and  
Smidt (Orville)

1 FOR AN ACT ENTITLED, An Act to provide for the assumption of risk by operators of off-  
2 road vehicles for certain injuries arising out of operating off-road vehicles and to limit the  
3 civil liability of off-road vehicle renters.

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

5 Section 1. That chapter 32-20 be amended by adding thereto a NEW SECTION to read as  
6 follows:

7 Any off-road vehicle operator assumes the risks inherent in operating an off-road vehicle.

8 An off-road vehicle operator is responsible for:

- 9 (1) Knowing the range of the operator's own ability to operate on any slope, trail, or area  
10 and for driving within the limits of the operator's ability considering the conditions;
- 11 (2) Maintaining control of the off-road vehicle's speed and course at all times while  
12 operating the off-road vehicle;
- 13 (3) Heeding all posted warnings; and
- 14 (4) Refraining from acting in a manner that may cause or contribute to the injury of



1 anyone.

2 The provisions of this section do not affect a product's liability cause of action based upon  
3 the design or manufacture of an off-road vehicle or safety equipment used incidental to the  
4 operation of an off-road vehicle.

5 Section 2. That chapter 32-20 be amended by adding thereto a NEW SECTION to read as  
6 follows:

7 A person who engages in the business of renting an off-road vehicle to another shall  
8 maintain each rental off-road vehicle in a safe condition.

9 Section 3. That § 32-20-12 be amended to read as follows:

10 32-20-12. No person may operate on a public street or highway an off-road vehicle except  
11 for crossing from one side of the road to the other. A person twelve years of age or older may  
12 operate an off-road vehicle in a highway ditch if the vehicle is operated as close as possible to  
13 the outer edge of the highway right-of-way. However, no person may operate an off-road vehicle  
14 in a highway ditch along the interstate highway system, or operate an off-road vehicle on any  
15 lands owned, leased, or controlled by the Department of Game, Fish and Parks, or any highway  
16 ditch located within, except on a designated off-road vehicle area or designated trail, ~~or operate~~  
17 ~~an off-road vehicle in a highway ditch that is designated as part of the state snowmobile trails~~  
18 ~~system pursuant to chapter 41-19~~ or a public bike trail. A violation of this section is a Class 2  
19 misdemeanor.

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