

State of South Dakota

EIGHTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 2008

573P0437

HOUSE ENGROSSED NO. **HB 1282** - 2/4/2008

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.

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

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

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

7 An off-road vehicle operator is responsible for:

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



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

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

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