



2024 South Dakota Legislature
House Bill 1225
ENROLLED

AN ACT

ENTITLED An Act to define a multi-passenger quadricycle and to provide for the regulation of multi-passenger quadricycles.

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

Section 1. That a NEW SECTION be added to title 32:

For the purposes of this chapter, the term "multi-passenger quadricycle" means a vehicle equipped with fully operative pedals for propulsion by means of human muscular power exclusively. The vehicle must be:

- (1) Equipped with at least four wheels and is operated in a manner similar to a bicycle;
- (2) Equipped with at least five seats for passengers;
- (3) Designed to be operated by a driver, who may use an assist-motor capable of propelling the vehicle in conjunction with human muscular power;
- (4) Operated for commercial purposes within a municipality;
- (5) Equipped with a steering wheel that gives the driver exclusive control of the direction of the vehicle;
- (6) Equipped with at least one tail lamp in accordance with § 32-17-12;
- (7) Equipped with at least one stop lamp in accordance with § 32-17-8.1;
- (8) Equipped with at least two headlamps with one on each side of the front of the vehicle; and
- (9) Equipped with a rear vision mirror in accordance with § 32-15-8.

Section 2. That a NEW SECTION be added to title 32:

Unless otherwise allowed by a municipality, a multi-passenger quadricycle may not be operated on any bicycle path or multi-use path.

Section 3. That a NEW SECTION be added to title 32:

An owner of a multi-passenger quadricycle must maintain financial responsibility as required by subdivisions 32-35-113(1) and (4).

Section 4. That § 32-3-1 be AMENDED:

32-3-1. Terms used in chapters 32-3 to 32-5B, inclusive, mean:

- (1) "Commercial motor vehicle," any motor vehicle used or maintained for the transportation of persons or property for hire, compensation, or profit, or designed, used, or maintained primarily for the transportation of property, and not specifically excluded under § 32-9-3;
- (2) "Component part," any part of a motor vehicle, trailer, or semitrailer other than a tire, having a vehicle identification number;
- (3) "Dealer," any person who, for commission or with intent to make a profit or gain, sells, exchanges, rents with option to purchase, offers, or attempts to negotiate a sale or exchange of new, or new and used vehicles, or who is engaged wholly or in part in the business of selling new, or new and used vehicles, whether or not the vehicles are owned by that person;
- (4) "Department," Department of Revenue;
- (4A) "Electric bicycle," as that term is defined in § 32-20B-9;
- (4B) "Gross vehicle weight rating," the value specified by the manufacturer as the loaded weight of a single vehicle;
- (5) "Junking certificate," a certificate of ownership, which may not be restored to a title document that allows highway use, issued by the department to the owner of a vehicle that is going to be dismantled and sold for parts;
- (5A) "Low-speed vehicle," a four-wheeled motor vehicle whose speed attainable in one mile is more than twenty miles per hour and not more than twenty-five miles per hour on a paved level surface;
- (6) "Manufactured home," a structure, transportable in one or more sections, which is eight body feet or more in width or forty body feet or more in length in the traveling mode, or is three hundred twenty or more square feet when erected on a site; which is built on a permanent chassis and designed to be used as a dwelling, with or without a permanent foundation, when connected to the required utilities; and which contains the plumbing, heating, air conditioning, and electrical systems therein. The term includes any structure that meets all the requirements of this subdivision and any other structure that has been certified by the secretary of

housing and urban development. The term does not include a recreational park trailer;

- (7) "Manufacturer," any person, firm, corporation, limited liability company, or association engaged in the manufacture of new motor vehicles as a regular business;
- (8) "Mobile home," a movable or portable unit, designed and constructed to be towed on its own chassis (comprised of frame and wheels), and designed to be connected to utilities for year-round occupancy. The term includes:
 - (a) Units containing parts that may be folded, collapsed, or telescoped when being towed and that may be expanded to provide additional cubic capacity; and
 - (b) Units composed of two or more separately towable components designed to be joined into one integral unit capable of being separated again into the components for repeated towing.

The term does not include a recreational park trailer;

- (9) "Moped," a motor driven cycle equipped with two or three wheels. If a combustion engine is used, the maximum piston or rotor displacement must be fifty cubic centimeters regardless of the number of chambers in the power source. The power source must 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. The term does not include an electric bicycle;
- (10) "Motorcycle," includes motorcycles, motorbikes, mopeds, bicycles with a 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. The term does not include an electric bicycle;
- (11) "Motor vehicle," automobiles, motor trucks, motorcycles, house trailers, trailers, and all vehicles propelled by power other than muscular power, except traction engines, road rollers, farm wagons, freight trailers, vehicles that run only on rails or tracks, electric bicycles, multi-passenger quadricycle as defined in section 1 of this Act, and off-road vehicles as defined in § 32-20-1;
- (12) "New motor vehicle," any motor vehicle to which a manufacturer's statement of origin has not been transferred, or is a motor vehicle on which title was issued from the manufacturer's statement of origin or manufacturer's certificate of origin and is still in the name of the first person who took title to the vehicle;

- (13) "Noncommercial motor vehicle," any motor vehicle not classified as a commercial motor vehicle;
- (14) "Noncommercial trailer or semitrailer," any trailer or semitrailer not used or maintained for the transportation of persons or property for hire, compensation, or profit;
- (14A) "Notation," a physical or electronic process of recording a lien on a certificate of title, a manufacturer's statement of origin, or a manufacturer's certificate of origin;
- (15) "Off-road vehicle," any self-propelled, two or more wheeled vehicle designed primarily to be operated on land other than a highway and includes 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. The term does not include a farm vehicle or an electric bicycle as defined in this section;
- (16) "Owner," any person, firm, association, or corporation renting a motor vehicle or having the exclusive use thereof, under a lease or otherwise, for a period greater than thirty days; as between contract vendor and contract vendee, the term, owner, shall refer to the contract vendee, unless the contrary clearly appears from the context of chapters 32-3 to 32-5B, inclusive, or a person having legal possession or title;
- (17) "Rebuilt vehicle," any motor vehicle, trailer, or semitrailer that has been rebuilt by the addition or deletion of assemblies, subassemblies, parts, or component parts so that upon gross visual examination it does not appear to be the vehicle described in the certificate of title last issued for the vehicle, or whose title has been marked as rebuilt by this state or another state or jurisdiction;
- (17A) "Recreational park trailer," a vehicle that is primarily designed to provide temporary living quarters for recreational, camping, or seasonal use and which:
 - (a) Is built on a single chassis mounted on wheels;
 - (b) Has a gross trailer area not exceeding four hundred square feet in the setup mode;
 - (c) Is certified by the manufacturer as complying with American National Standards Institute Standard No. A119.5 in effect on January 1, 2008; and
 - (d) Has at least a seventeen digit identification number and the manufacturer has designated the vehicle as a recreational park model on the manufacturer statement of origin;

- (18) "Recreational vehicle," a vehicular portable structure built on a chassis designed to be used as a temporary dwelling for travel, recreational, vacation, or seasonal uses, permanently identified as a travel trailer or a recreational park trailer by the manufacturer of the trailer;
- (19) "Road tractor," any motor vehicle designed and used for drawing other vehicles, except farm or logging tractors used exclusively for farming or logging, and not so constructed as to carry any load thereon either independently or any part of the weight of a vehicle or load so drawn;
- (20) "Secretary," secretary of revenue;
- (21) "Semitrailer," any vehicle of the trailer type, equipped with a kingpin assembly, designed and used in conjunction with a fifth wheel connecting device on a motor vehicle constructed so that some part of its weight and that of its load rests upon or is carried by another vehicle;
- (22) "State," includes the territories and the federal districts of the United States;
- (23) "Trailer," any vehicle without motive power designed for carrying property or passengers wholly on its own structure and for being drawn by a motor vehicle;
- (24) "Truck tractor," any motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn;
- (25) "Used vehicle," any motor vehicle to which title has been issued to someone other than the first person who took title to the motor vehicle from the manufacturer's statement of origin or manufacturer's certificate of origin; and
- (26) "Vehicle identification number," the number assigned by the manufacturer or by the department for the purpose of identifying the vehicle. The term includes any number or letters assigned by the manufacturer for the purpose of identifying a component part and any such number stamped on a vehicle or part according to law or the rules promulgated by the department for the purpose of identifying the vehicle or part.

Section 5. That chapter 32-3 be amended with a NEW SECTION:

A multi-passenger quadricycle, as defined in section 1 of this Act, is exempt from this chapter.

Section 6. That chapter 32-5 be amended with a NEW SECTION:

A multi-passenger quadricycle, as defined in section 1 of this Act, is exempt from this chapter.

Section 7. That § 32-6D-1 be AMENDED:

32-6D-1. Terms used in this chapter mean:

- (1) "Consumer," the purchaser, other than for purposes of resale, of a new or previously untitled motor vehicle used in substantial part for personal, family, or household purposes, who is entitled by the terms of the warranty to enforce the obligations of the warranty;
- (2) "Express warranty," a written warranty, so labeled, issued by the manufacturer of a new motor vehicle, including any terms or conditions precedent to the enforcement of obligations under that warranty;
- (3) "Lemon law rights period," the period ending one year after the date of the original delivery of a motor vehicle to a consumer or the first twelve thousand miles of operation, whichever first occurs;
- (4) "Manufacturer," the person, firm, corporation, or limited liability company engaged in the business of manufacturing, importing, or distributing motor vehicles to be made available to a motor vehicle dealer for retail sale;
- (5) "Motor vehicle," any vehicle intended primarily for use and operation on the public highway that is self-propelled. The term also includes 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. The term does not include any electric bicycle as defined in § 32-20B-9, a multi-passenger quadricycle as defined in section 1 of this Act, or any motor home or any motor vehicle having a manufacturer's gross vehicle weight rating of fifteen thousand pounds or more;
- (6) "Motor vehicle dealer" or "authorized dealer," any person operating under a dealer agreement from a manufacturer and licensed pursuant to chapter 32-6B;
- (7) "Nonconforming condition," any condition of a motor vehicle that is not in conformity with the terms of any express warranty issued by the manufacturer to a consumer and that significantly impairs the use, value, or safety of the motor vehicle and occurs or arises solely in the course of the ordinary use of the motor vehicle, and that does not arise or occur as a result of abuse, neglect, modification, or alteration of the motor vehicle not authorized by the manufacturer, nor from any accident or other damage to the motor vehicle which occurs or arises after the motor vehicle was delivered by an authorized dealer to the consumer; and

- (8) "Notice of a nonconforming condition," a written statement delivered to the manufacturer and that describes the motor vehicle, the nonconforming condition, and all previous attempts to correct the nonconforming condition by identifying the person who made the attempt and the time the attempt was made.

Section 8. That § 32-9-1 be AMENDED:

32-9-1. Terms used in this chapter mean:

- (1) "Compensation," the charge imposed upon motor carriers in consideration of the unusual use of the public highways in this state by such motor carriers;
- (2) "Compensation certificate," the certificate issued upon application by a motor carrier, as defined in §§ 32-9-2 and 32-9-3, showing authority to use and payment of compensation for the unusual use of the highways by the one to whom issued;
- (3) "Commercial motor vehicle," any motor vehicle used or maintained for the transportation of persons or property for hire, compensation or profit or designed, used or maintained primarily for the transportation of property, and not specifically excluded under § 32-9-3;
- (4) "Department," Department of Revenue;
- (5) "For hire," for remuneration of any kind, paid or promised, either directly or indirectly, for the transportation of persons or property. An occasional accommodative transportation service by a person not in the transportation business while on an errand for himself, is not a service for hire, even though the person transported shares in the cost or pays for the service;
- (6) "Gross weight," the total weight of the chassis, body, equipment, and maximum load of each motor vehicle, trailer, or semitrailer as fixed by the applicant for a compensation certificate;
- (7) "Motor vehicle," all vehicles or machines propelled by any power other than muscular used upon the public highways for the transportation of persons or property or both. The term does not include an electric bicycle as defined in § 32-20B-9 or a multi-passenger quadricycle as defined in section 1 of this Act;
- (8) "Private business use," the transportation of persons or property for hire, compensation, profit, or remuneration of any kind, or the transportation of any property of a business venture not specifically excluded under § 32-9-3;
- (9) "Public highway," every street, alley, public road, public thoroughfare, or highway in this state;
- (10) "Secretary," secretary of revenue;

- (11) "Semitrailer," any vehicle of the trailer type, equipped with a kingpin assembly, designed and used in conjunction with a fifth wheel connecting device on a motor vehicle and constructed so that some part of its weight and that of its load rests upon or is carried by another vehicle; and
- (12) "Trailer," every vehicle without motive power designed to carry property or persons wholly on its own structure and to be drawn by a motor vehicle.

Section 9. That § 32-14-1 be AMENDED:

32-14-1. Terms used in chapters 32-14 to 32-19, inclusive, 32-12 and 32-22 to 32-34, inclusive, mean:

- (1) "Alcoholic beverage," as that term is defined by subdivision 35-1-1(1);
- (2) "Authorized emergency vehicle," a vehicle of a fire department, a police vehicle, an ambulance or emergency vehicle of a municipal department or public service corporation that is designated or authorized by the department or the Department of Health, and an emergency vehicle titled to a local organization for emergency management created pursuant to chapter 34-48A;
- (3) "Automobile transporter," a vehicle combination designed or modified to be used specifically for the transport of assembled highway vehicles;
- (4) "Boat transporter," a vehicle combination designed or modified to be used specifically for the transport of assembled or partially disassembled boats and boat hulls;
- (5) "Business district," the territory contiguous to a highway when fifty percent or more of the frontage thereon for a distance of three hundred feet or more is occupied by buildings in use for business;
- (6) "Commission," the Public Utilities Commission;
- (7) "Controlled drug or substance," as that term is defined in § 34-20B-3;
- (8) "Crosswalk," that part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs or, in the absence of curbs, from the edges of the traversable roadway; or any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface;
- (9) "Department," the Department of Public Safety of this state acting directly or through its duly authorized officers and agents;
- (9A) "Electric bicycle," as that term is defined in § 32-20B-9;

- (10) "Farm tractor," a motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines, and other implements of husbandry;
- (11) "Highway," the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public as a matter of right for purposes of vehicular travel;
- (12) "Intersection," the area embraced within the prolongation of the lateral curb lines or, if none, then of the lateral boundary lines of two or more highways that join one another at an angle, whether or not one such highway crosses the other. However, the area, in the case of the point where an alley and a street meet within a municipality, is not an intersection;
- (13) "Law enforcement officer," as that term is defined in § 23-3-27;
- (14) "Local authorities," a county, municipal, township, road district, and other local board or body having authority to adopt local police regulations under the Constitution and laws of this state;
- (15) "Metal tires," a tire that the surface in contact with the highway is wholly or partly of metal or other hard, nonresilient material;
- (16) "Motorcycle," a motor vehicle designed to travel on not more than three wheels in contact with the ground, except any vehicle as may be included within the term, tractor;
- (17) "Motor vehicle," a vehicle that is self-propelled. The term does not include an electric bicycle or multi-passenger quadricycle as defined in section 1 of this Act;
- (18) "Official traffic control device," a sign, signal, marking, and device not inconsistent with the law placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning, or guiding traffic. The term also includes a flagman or a sign, signal, marking, or other device temporarily placed or erected by a person working upon, along, above, or under a highway installing or maintaining a public service facility and which is necessary or required to warn, direct, or otherwise control traffic during the time of work or when a hazard exists;
- (19) "Owner," a person who holds the legal title of a vehicle or in the event a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled to possession, then the conditional vendee or lessee or mortgagor is the owner for the purpose of said chapters;

- (20) "Park or parking," the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers;
- (21) "Pneumatic tire," a tire inflated with compressed air;
- (22) "Private road or driveway," a road or driveway not open to the use of the public for purposes of vehicular travel;
- (23) "Recreation vehicle," a self-propelled or towed vehicle equipped to serve as temporary living quarters for recreational, camping, or travel purposes and used solely as a family or personal conveyance and in no way used for a commercial purpose;
- (24) "Residence district," the territory contiguous to a highway not comprising a business district when the frontage on the highway for a distance of three hundred feet or more is mainly occupied by dwellings or by dwellings and buildings in use for business;
- (25) "Right-of-way," the right of one vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian approaching under such circumstances of direction, speed, and proximity as to give rise to danger of collision unless one grants precedence to the other;
- (26) "Road tractor," a motor vehicle designed and used for drawing other vehicles and not so constructed as to carry any load thereon either independently or any part of the weight of a vehicle or load so drawn;
- (27) "Roadway," that portion of a highway improved, designed, or ordinarily used for vehicular travel, exclusive of the berm or shoulder. If a highway includes two or more separate roadways, the term, roadway, refers to any such roadway separately but not to all such roadways collectively;
- (28) "Safety zone," the area or space officially set aside within a highway for the exclusive use of pedestrians and which is so plainly marked or indicated by proper signs as to be plainly visible at all times while set apart as a safety zone;
- (29) "Semitrailer," any vehicle of the trailer type equipped with a kingpin assembly, designed and used in conjunction with a fifth wheel connecting device on a motor vehicle and constructed so that some part of its weight and that of its load rests upon or is carried by another vehicle;
- (30) "Sidewalk," that portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines intended for use of pedestrians;

- (31) "Single axle" or "one axle," one or more consecutive axles whose centers may be included between two transverse vertical planes spaced forty inches or less apart, extending across the full width of the vehicle;
- (32) "Solid rubber tire," a tire made of rubber other than a pneumatic tire;
- (33) "Steering axle," any axle on the front of a motor vehicle that is activated by the operator to directly accomplish guidance or steering of the motor vehicle or combination of vehicles;
- (34) "Stinger-steered transporter combination," a truck tractor semitrailer combination with a fifth wheel located on a drop frame which is located behind and below the rearmost axle of the power unit;
- (35) "Tandem axle," two or more consecutive axles whose centers may be included between parallel transverse vertical planes spaced more than forty inches and not more than ninety-six inches apart, extending across the full width of the vehicle;
- (36) "Trailer," a vehicle without motive power designed for carrying property or passengers on its own structure and for being drawn by a motor vehicle;
- (37) "Truck tractor," a motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn;
- (38) "Urban district," the territory contiguous to and including any street that is built up with structures devoted to business, industry, or dwelling houses situated at intervals of less than one hundred feet for a distance of a quarter of a mile or more;
- (39) "Vehicle," a device in, upon, or by which any person or property is or may be transported or drawn upon a public highway, except devices moved by human power or used exclusively upon stationary rails or tracks; including bicycles, electric bicycles, multi-passenger quadricycles, and ridden animals; and
- (40) "Wireless communication device," any wireless electronic communication device that provides for voice or data communication between two or more parties, including a mobile or cellular telephone, a text messaging device, a personal digital assistant that sends or receives messages, an audio-video player that sends or receives messages, or a laptop computer. A wireless communication device does not include a global positioning or navigation system (GPS) used to receive driving directions.

Section 10. That § 32-20-1 be AMENDED:

32-20-1. Terms used in this chapter 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 must be fifty cubic centimeters regardless of the number of chambers in the power source. The power source must 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. The term does not include an electric bicycle as defined in § 32-20B-9 or a multi-passenger quadricycle as defined in section 1 of this Act;
- (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. The term does not include an electric bicycle as defined in § 32-20B-9 or a multi-passenger quadricycle; and
- (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 all terrain vehicles, dune buggies, and any vehicle whose manufacturer's statement of origin or manufacturer's certificate of origin states that the vehicle is not for highway use. The term does not include a farm vehicle as defined in § 32-3-2.4, a multi-passenger quadricycle, or an electric bicycle as defined in § 32-20B-9.

Section 11. That § 32-38-2 be AMENDED:

32-38-2. For the purposes of this chapter, a passenger vehicle is any self-propelled vehicle intended primarily for use and operation on a public highway including any passenger car, station wagon, van, taxicab, emergency vehicle, motor home, truck, or pickup. The term does not include any motorcycle, motor scooter, motor bicycle, electric bicycle, multi-passenger quadricycle as defined in section 1 of this Act, passenger bus, or school bus. The term also does not include any farm tractor or implement of husbandry designed primarily or exclusively for use in agricultural operations.

Section 12. That a NEW SECTION be added to chapter 32-23:

A driver of a multi-passenger quadricycle, as defined in section 1 of this Act, is subject to a violation of any of the provisions of this chapter, but a passenger of a multi-passenger quadricycle may not be charged with a violation of this chapter.

An Act to define a multi-passenger quadricycle and to provide for the regulation of multi-passenger quadricycles.

I certify that the attached Act originated in
the:
House as Bill No. 1225

Received at this Executive Office
this ____ day of _____,
2024 at _____ M.

Chief Clerk

By _____
for the Governor

Speaker of the House

The attached Act is hereby
approved this _____ day of
_____, A.D., 2024

Attest:

Chief Clerk

Governor

STATE OF SOUTH DAKOTA,

ss.

Office of the Secretary of State

President of the Senate

Attest:

Filed _____, 2024
at _____ o'clock __ M.

Secretary of the Senate

Secretary of State

House Bill No. 1225
File No. _____
Chapter No. _____

By _____
Asst. Secretary of State