

State of South Dakota

SEVENTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2002

527H0265

HOUSE BILL NO. 1152

Introduced by: Representatives Broderick, Elliott, Madsen, and Pederson (Gordon) and
Senators Moore, Diedrich (Elmer), and Hutmacher

1 FOR AN ACT ENTITLED, An Act to revise the taxation and registration requirements of
2 certain all-terrain vehicles and off-road motorcycles.

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

4 Section 1. That § 32-20-12 be amended to read as follows:

5 32-20-12. No person may operate on a public street or highway an off-road vehicle, all-
6 terrain vehicle, or off-road motorcycle, except for crossing from one side of the road to the
7 other. A person twelve years of age or older may operate an off-road vehicle, all-terrain vehicle,
8 or off-road motorcycle in a highway ditch if the vehicle is operated as close as possible to the
9 outer edge of the highway right-of-way. However, no person may operate an off-road vehicle,
10 all-terrain vehicle, or off-road motorcycle in a highway ditch along the interstate highway system,
11 or operate an off-road vehicle, all-terrain vehicle, or off-road motorcycle on any lands owned,
12 leased, or controlled by the Department of Game, Fish and Parks, or any highway ditch located
13 within, except on a designated off-road vehicle area or designated trail, or operate an off-road
14 vehicle in a highway ditch that is designated as part of the state snowmobile trails system
15 pursuant to chapter 41-19 or a public bike trail. A violation of this section is a Class 2



1 misdemeanor.

2 ~~Off-road vehicles need not be registered and licensed for use~~ Any off-road vehicle, all terrain-
3 vehicle, or off-road motorcycle operated upon the highways except shall be registered and
4 licensed as provided in § 32-20-13. ~~Off-road vehicles~~ Any other all-terrain vehicle or off-road
5 motorcycle shall be titled and registered pursuant to the title issuance, excise tax, vehicle
6 registration, and dealer licensing provisions of chapters 32-3 to 32-6C, inclusive. The
7 Department of Revenue shall issue a certificate of title for ~~any off-road vehicles~~ vehicle, all-
8 terrain vehicle, or off-road motorcycle the same as for ~~any other motor vehicles~~ vehicle subject
9 to the provisions of chapter 32-3.

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

12 The license fee for any all-terrain vehicle or off-road motorcycle is twenty dollars per all-
13 terrain vehicle or off-road motorcycle for a two-year period. The license is valid for a period
14 beginning on July first and ending on June thirtieth two years thereafter. Payment of the all-
15 terrain vehicle or off-road motorcycle license fee shall be made between July first and June
16 thirtieth of the year of issuance and prior to the operation of any such vehicle within this state.
17 The department shall issue a decal made of some durable material for the purposes of licensing
18 all-terrain vehicles or off-road motorcycles. The license decal shall be attached to the left side
19 of the fuel tank or cowling of the all-terrain vehicle or off-road motorcycle. The license fee
20 collected for off-road vehicles shall be credited to the state motor vehicle fund.

21 Section 3. That chapter 32-5 be amended by adding thereto a NEW SECTION to read as
22 follows:

23 Any all-terrain vehicle or off-road motorcycle purchased prior to July 1, 2002, is exempt
24 from the all-terrain vehicle or off-road motorcycle registration and licensing requirements of this

1 Act unless the vehicle is operated on the highway as provided in § 32-30-13.

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

4 Upon the sale of any new all-terrain vehicle or off-road motorcycle by any vehicle dealer, the
5 dealer shall deliver to the county treasurer of the applicant's residence the all-terrain vehicle or
6 off-road motorcycle manufacturer's statement of origin, the required fees and taxes, and
7 completed vehicle title registration forms for the vehicle. A violation of this section is a Class 2
8 misdemeanor.

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

11 A nonresident owner of an unlicensed all-terrain vehicle or off-road motorcycle shall
12 purchase a temporary permit to operate such vehicle in this state. The fee for the permit is ten
13 dollars. The permit is valid for one hundred eighty consecutive days. All fees collected shall be
14 deposited in the state motor vehicle fund.

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

17 No person may operate or drive an all-terrain vehicle or off-road motorcycle in this state
18 unless the all-terrain vehicle or off-road motorcycle has the license attached as required by this
19 chapter. A violation of this section is a petty offense.

20 Section 7. That § 32-5-1.4 be repealed.

21 ~~—32-5-1.4. Any three-wheeled or four-wheeled all-terrain vehicle using a highway ditch or~~
22 ~~crossing a highway to get to and from a field or pasture and being used in the course of farm or~~
23 ~~ranch labor is exempt from the provisions of this chapter.~~