

Useful Facts Provided by  
*Off Road Riders.org*  
Black Hills, South Dakota

## South Dakota ATV Laws

DEFINITION ATV: 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 vehicles 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 SDCL 32-3-2.4.

32-20-12 OPERATION 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 12 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 or a public bike trail.

32-20-13 LICENSING 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.

32-20-2 DRIVERS LICENSE When operating on the public streets or highways, the operator of an ATV shall have a valid motor vehicle operator's license or permit.

( A motorcycle endorsement is not required.)

32-20-4 HELMETS No person under 18 years of age may operate or ride upon an ATV on the public streets or highways of this state unless the person wears a protective helmet. No person may operate an ATV with any person under the age of 18 as a passenger if the passenger is not wearing a protective helmet.

32-20-4.1 EYE PROTECTION No person may operate an ATV unless he is wearing an eye protective device or unless the ATV is equipped with a windscreen of sufficient height and design so as to provide adequate eye protection to the operator when seated in the normal operating position.

32-20-6.6 FIREARMS 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 ATV 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 issued pursuant to chapter 23-7.

32-35-113 INSURANCE Every driver or owner of a motor vehicle (including ATVs driven on public roadways) shall at all times maintain in force a form of financial responsibility, i.e, liability insurance.

All other rules of the road must be followed when operating on public roadways (speed limits, traffic signs, safe driving, etc.)

Failing to meet the required specifications, or operating your ATV in an unlawful manner can result in fines and/or loss of driving privileges.

Licensing and operating laws do not apply to ATVs when being operated on private property.

REQUIREMENTS To license your ATV for roadway use, it must meet certain requirements. These include:

- Rearview mirror
- Horn
- Exhaust and muffler
- Headlights
- License plate light
- Parking lights, tail lights, stop lights
- 200 cc engine or larger

When you register your ATV, you must present a completed "All Terrain Vehicle Affidavit". This affidavit evidences compliance with roadway use requirements.

A vehicle title must also be presented.