

State of South Dakota

EIGHTIETH SESSION
LEGISLATIVE ASSEMBLY, 2005

914L0558

SENATE TRANSPORTATION COMMITTEE

ENGROSSED NO. **SB 92** - 02/01/2005

Introduced by: Senators Broderick, Dempster, Koetzle, McCracken, Moore, and Napoli and Representatives Pederson (Gordon), Elliott, Kroger, McCoy, Thompson, and Willadsen

1 FOR AN ACT ENTITLED, An Act to define a recreation vehicle, to exempt certain recreation
2 vehicles from the maximum width restrictions for a vehicle, and to provide a length
3 limitation for motor vehicles.

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

5 Section 1. That § 32-22-3 be amended to read as follows:

6 32-22-3. Except for self-propelled or towed farm machinery operated pursuant to § 32-22-
7 3.2 or a recreation vehicle, no motor vehicle may operate upon a public highway if the width,
8 measured at the widest points, either of the vehicle or the load, exceeds one hundred two inches,
9 excluding any required safety equipment. A violation of this section is a Class 2 misdemeanor.
10 The farm machinery exception provided by this section does not apply to farm machinery being
11 transported or delivered by an equipment dealer or manufacturer. The recreation vehicle
12 exception provided by this section applies to excess width which is attributable to an
13 appurtenance, excluding required safety equipment, which does not exceed six inches beyond
14 either sidewall of the vehicle. For the purposes of this section, an appurtenance is an integral



1 part of a vehicle and includes awnings, grab handles, lighting equipment, cameras, and vents.
2 No appurtenance may be used as a load carrying device.

3 Section 2. That § 32-22-5 be amended to read as follows:

4 32-22-5. No ~~single truck or bus~~ motor vehicle may be operated upon a public highway if it
5 has an overall length, inclusive of front and rear bumpers, in excess of forty-five feet. A
6 violation of this section is a Class 2 misdemeanor.

7 Section 3. That § 32-14-1 be amended to read as follows:

8 32-14-1. Terms used in chapters 32-14 to 32-19, inclusive, 32-12 and 32-22 to 32-34,
9 inclusive, mean:

- 10 (1) "Alcoholic beverage," as that term is defined by subdivision 35-1-1(1);
- 11 (2) "Authorized emergency vehicle," ~~vehicles~~ a vehicle of a fire department, a police
12 ~~vehicles~~ vehicle, and ~~such ambulances~~ an ambulance and emergency ~~vehicles~~ vehicle
13 of a municipal ~~departments~~ department or public service ~~corporations~~ as are
14 corporation that is designated or authorized by the department;
- 15 (3) "Automobile transporter," a vehicle combination designed or modified to be used
16 specifically for the transport of assembled highway vehicles;
- 17 (4) "Boat transporter," a vehicle combination designed or modified to be used
18 specifically for the transport of assembled or partially disassembled boats and boat
19 hulls;
- 20 (5) "Business district," the territory contiguous to a highway when fifty percent or more
21 of the frontage thereon for a distance of three hundred feet or more is occupied by
22 buildings in use for business;
- 23 (6) "Commission," the Public Utilities Commission;
- 24 (7) "Controlled drug or substance," as that term is defined in § 34-20B-3;

- 1 (8) "Crosswalk," that part of a roadway at an intersection included within the
2 connections of the lateral lines of the sidewalks on opposite sides of the highway
3 measured from the curbs or, in the absence of curbs, from the edges of the traversable
4 roadway; or any portion of a roadway at an intersection or elsewhere distinctly
5 indicated for pedestrian crossing by lines or other markings on the surface;
- 6 (9) "Department," the Department of Public Safety of this state acting directly or through
7 its duly authorized officers and agents;
- 8 (10) "Farm tractor," ~~every~~ a motor vehicle designed and used primarily as a farm
9 implement for drawing plows, mowing machines, and other implements of
10 husbandry;
- 11 (11) "Highway," the entire width between the boundary lines of every way publicly
12 maintained when any part thereof is open to the use of the public as a matter of right
13 for purposes of vehicular travel;
- 14 (12) "Intersection," the area embraced within the prolongation of the lateral curb lines or,
15 if none, then of the lateral boundary lines of two or more highways which join one
16 another at an angle, whether or not one such highway crosses the other. However,
17 such area, in the case of the point where an alley and a street meet within a
18 municipality, is not an intersection;
- 19 (13) "Law enforcement officer," as that term is defined in § 23-3-27;
- 20 (14) "Local authorities," ~~every~~ a county, municipal, township, road district, and other local
21 board or body having authority to adopt local police regulations under the
22 Constitution and laws of this state;
- 23 (15) "Metal tires," ~~all tires~~ a tire the surface of which in contact with the highway is
24 wholly or partly of metal or other hard, nonresilient material;

- 1 (16) "Motorcycle," ~~every~~ a motor vehicle designed to travel on not more than three wheels
2 in contact with the ground, except any ~~such~~ vehicle as may be included within the
3 term, "tractor", as herein defined;
- 4 (17) "Motor vehicle," ~~every~~ a vehicle, as herein defined, which is self-propelled;
- 5 (18) "Official traffic control device," ~~all signs, signals, markings, and devices~~ a sign,
6 signal, marking, and device not inconsistent with the law placed or erected by
7 authority of a public body or official having jurisdiction, for the purpose of
8 regulating, warning, or guiding traffic. The term also includes a flagman or a sign,
9 signal, marking, or other device temporarily placed or erected by a person working
10 upon, along, above, or under a highway installing or maintaining a public service
11 facility and which is necessary or required to warn, direct, or otherwise control traffic
12 during the time of work or when a hazard exists;
- 13 (19) "Owner," a person who holds the legal title of a vehicle or in the event a vehicle is
14 the subject of an agreement for the conditional sale or lease thereof with the right of
15 purchase upon performance of the conditions stated in the agreement and with an
16 immediate right of possession vested in the conditional vendee or lessee, or in the
17 event a mortgagor of a vehicle is entitled to possession, then ~~such~~ the conditional
18 vendee or lessee or mortgagor is the owner for the purpose of said chapters;
- 19 (20) "Park or parking," the standing of a vehicle, whether occupied or not, otherwise than
20 temporarily for the purpose of and while actually engaged in loading or unloading
21 merchandise or passengers;
- 22 (21) "Pneumatic ~~tires~~ tire," ~~all tires~~ a tire inflated with compressed air;
- 23 (22) "Private road or driveway," ~~every~~ a road or driveway not open to the use of the public
24 for purposes of vehicular travel;

1 (23) "Recreation vehicle," a self-propelled or towed vehicle equipped to serve as
2 temporary living quarters for recreational, camping, or travel purposes and used
3 solely as a family or personal conveyance and in no way used for a commercial
4 purpose:

5 (23)(24) "Residence district," the territory contiguous to a highway not comprising a
6 business district when the frontage on ~~such~~ the highway for a distance of three
7 hundred feet or more is mainly occupied by dwellings or by dwellings and
8 buildings in use for business;

9 (24)(25) "Right-of-way," the right of one vehicle or pedestrian to proceed in a lawful
10 manner in preference to another vehicle or pedestrian approaching under such
11 circumstances of direction, speed, and proximity as to give rise to danger of
12 collision unless one grants precedence to the other;

13 (25)(26) "Road tractor," ~~every~~ a motor vehicle designed and used for drawing other
14 vehicles and not so constructed as to carry any load thereon either
15 independently or any part of the weight of a vehicle or load so drawn;

16 (26)(27) "Roadway," that portion of a highway improved, designed, or ordinarily used
17 for vehicular travel, exclusive of the berm or shoulder. If a highway includes
18 two or more separate roadways, the term, "roadway" ~~as used herein shall refer,~~
19 refers to any such roadway separately but not to all such roadways collectively;

20 (27)(28) "Safety zone," the area or space officially set aside within a highway for the
21 exclusive use of pedestrians and which is so plainly marked or indicated by
22 proper signs as to be plainly visible at all times while set apart as a safety
23 zone;

24 (28)(29) "Semitrailer," any vehicle of the trailer type equipped with a kingpin assembly,

1 designed and used in conjunction with a fifth wheel connecting device on a
2 motor vehicle and constructed so that some part of its weight and that of its
3 load rests upon or is carried by another vehicle;

4 ~~(29)~~(30) "Sidewalk," that portion of a street between the curb lines, or the lateral lines
5 of a roadway, and the adjacent property lines intended for use of pedestrians;

6 ~~(30)~~(31) "Single axle" or "~~One~~ one axle," one or more consecutive axles whose centers
7 may be included between two transverse vertical planes spaced forty inches
8 or less apart, extending across the full width of the vehicle;

9 ~~(31)~~(32) "Solid rubber tire," ~~every~~ a tire made of rubber other than a pneumatic tire;

10 ~~(31A)~~(33) "Steering axle," any axle on the front of a motor vehicle that is activated by the
11 operator to directly accomplish guidance or steering of the motor vehicle or
12 combination of vehicles;

13 ~~(32)~~(34) "Stinger-steered transporter combination," a truck tractor semitrailer
14 combination with a fifth wheel located on a drop frame which is located
15 behind and below the rearmost axle of the power unit;

16 ~~(33)~~(35) "Tandem axle," two or more consecutive axles whose centers may be included
17 between parallel transverse vertical planes spaced more than forty inches and
18 not more than ninety-six inches apart, extending across the full width of the
19 vehicle;

20 ~~(34)~~(36) "Trailer," ~~every~~ a vehicle without motive power designed for carrying property
21 or passengers on its own structure and for being drawn by a motor vehicle;

22 ~~(35)~~(37) "Truck tractor," ~~every~~ a motor vehicle designed and used primarily for
23 drawing other vehicles and not so constructed as to carry a load other than a
24 part of the weight of the vehicle and load so drawn;

1 ~~(36)~~(38) "Urban district," the territory contiguous to and including any street which is
2 built up with structures devoted to business, industry, or dwelling houses
3 situated at intervals of less than one hundred feet for a distance of a quarter of
4 a mile or more; and

5 ~~(37)~~(39) "Vehicle," ~~every~~ a device in, upon, or by which any person or property is or
6 may be transported or drawn upon a public highway, except devices moved by
7 human power or used exclusively upon stationary rails or tracks; including
8 bicycles and ridden animals.