

## 2024 South Dakota Legislature

**House Bill 1225****AMENDMENT 1225C  
FOR THE HOUSE ENGROSSED BILL**

1 **An Act to define a multi-passenger**~~bicycle~~ quadricycle **and to provide for the**  
2 **regulation of multi-passenger**~~bicycles~~ quadricycles.

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

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

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

8 (1) Equipped with at least four wheels and is operated in a manner similar to a bicycle;

9 (2) Equipped with at least five seats for passengers;

10 (3) Designed to be operated by a driver, who may use an assist-motor capable of  
11 propelling the vehicle in conjunction with human muscular power;

12 (4) Operated for commercial purposes within a municipality;

13 (5) Equipped with a steering wheel that gives the driver exclusive control of the  
14 direction of the vehicle;

15 (6) Equipped with at least one tail lamp in accordance with § 32-17-12;

16 (7) Equipped with at least one stop lamp in accordance with § 32-17-8.1;

17 (8) Equipped with at least two headlamps with one on each side of the front of the  
18 vehicle; and

19 (9) Equipped with a rear vision mirror in accordance with § 32-15-8.

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

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

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

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

3           **Section 4. That § 32-3-1 be AMENDED:**

4           **32-3-1.** Terms used in chapters 32-3 to 32-5B, inclusive, mean:

- 5           (1) "Commercial motor vehicle," any motor vehicle used or maintained for the  
 6           transportation of persons or property for hire, compensation, or profit, or designed,  
 7           used, or maintained primarily for the transportation of property, and not  
 8           specifically excluded under § 32-9-3;
- 9           (2) "Component part," any part of a motor vehicle, trailer, or semitrailer other than a  
 10           tire, having a vehicle identification number;
- 11           (3) "Dealer," any person who, for commission or with intent to make a profit or gain,  
 12           sells, exchanges, rents with option to purchase, offers, or attempts to negotiate a  
 13           sale or exchange of new, or new and used vehicles, or who is engaged wholly or in  
 14           part in the business of selling new, or new and used vehicles, whether or not ~~such~~  
 15           the vehicles are owned by that person;
- 16           (4) "Department," Department of Revenue;
- 17           (4A) "Electric bicycle," as that term is defined in § 32-20B-9;
- 18           (4B) "Gross vehicle weight rating," the value specified by the manufacturer as the  
 19           loaded weight of a single vehicle;
- 20           (5) "Junking certificate," a certificate of ownership, which may not be restored to a  
 21           title document ~~which that~~ that allows highway use, issued by the department to the  
 22           owner of a vehicle ~~which that~~ that is going to be dismantled and sold for parts;
- 23           (5A) "Low-speed vehicle," a four-wheeled motor vehicle whose speed attainable in one  
 24           mile is more than twenty miles per hour and not more than twenty-five miles per  
 25           hour on a paved level surface;
- 26           (6) "Manufactured home," a structure, transportable in one or more sections, which is  
 27           eight body feet or more in width or forty body feet or more in length in the traveling  
 28           mode, or is three hundred twenty or more square feet when erected on a site;  
 29           which is built on a permanent chassis and designed to be used as a dwelling, with  
 30           or without a permanent foundation, when connected to the required utilities; and  
 31           which contains the plumbing, heating, air conditioning, and electrical systems  
 32           therein. The term includes any structure ~~which that~~ that meets all the requirements of  
 33           this subdivision and any other structure ~~which that~~ that has been certified by the

1 secretary of housing and urban development. The term does not include a  
2 recreational park trailer;

3 (7) "Manufacturer," any person, firm, corporation, limited liability company, or  
4 association engaged in the manufacture of new motor vehicles as a regular  
5 business;

6 (8) "Mobile home," a movable or portable unit, designed and constructed to be towed  
7 on its own chassis (comprised of frame and wheels), and designed to be connected  
8 to utilities for year-round occupancy. The term includes:

9 (a) Units containing parts that may be folded, collapsed, or telescoped when  
10 being towed and that may be expanded to provide additional cubic capacity;  
11 and

12 (b) Units composed of two or more separately towable components designed  
13 to be joined into one integral unit capable of being separated again into the  
14 components for repeated towing.

15 The term does not include a recreational park trailer;

16 (9) "Moped," a motor driven cycle equipped with two or three wheels. If a combustion  
17 engine is used, the maximum piston or rotor displacement ~~shall~~ must be fifty cubic  
18 centimeters regardless of the number of chambers in ~~such~~ the power source. The  
19 power source ~~shall~~ must be equipped with a power drive system that functions  
20 directly or automatically only, not requiring clutching or shifting by the operator  
21 after the drive system is engaged. The term does not include an electric bicycle;

22 (10) "Motorcycle," includes motorcycles, motorbikes, mopeds, bicycles with a motor  
23 attached, and all motor operated vehicles of the bicycle or tricycle type, whether  
24 the motive power be a part thereof or attached thereto, and having a saddle or  
25 seat with the driver sitting astride or upon it, or a platform on which the driver  
26 stands, but excluding a tractor. The term does not include an electric bicycle;

27 (11) "Motor vehicle," automobiles, motor trucks, motorcycles, house trailers, trailers,  
28 and all vehicles propelled by power other than muscular power, except traction  
29 engines, road rollers, farm wagons, freight trailers, vehicles that run only on rails  
30 or tracks, electric bicycles, multi-passenger-bicycle quadricycle as defined in this  
31 Act, and off-road vehicles as defined in § 32-20-1;

32 (12) "New motor vehicle," any motor vehicle to which a manufacturer's statement of  
33 origin has not been transferred, or is a motor vehicle on which title was issued  
34 from the manufacturer's statement of origin or manufacturer's certificate of origin  
35 and is still in the name of the first person who took title to the vehicle;

- 1 (13) "Noncommercial motor vehicle," any motor vehicle not classified as a commercial  
2 motor vehicle;
- 3 (14) "Noncommercial trailer or semitrailer," any trailer or semitrailer not used or  
4 maintained for the transportation of persons or property for hire, compensation, or  
5 profit;
- 6 (14A) "Notation," a physical or electronic process of recording a lien on a certificate of  
7 title, a manufacturer's statement of origin, or a manufacturer's certificate of origin;
- 8 (15) "Off-road vehicle," any self-propelled, two or more wheeled vehicle designed  
9 primarily to be operated on land other than a highway and includes all terrain  
10 vehicles, dune buggies, and any vehicle whose manufacturer's statement of origin  
11 (MSO) or manufacturer's certificate of origin (MCO) states that the vehicle is not  
12 for highway use. The term does not include a farm vehicle or an electric bicycle as  
13 defined in this section;
- 14 (16) "Owner," any person, firm, association, or corporation renting a motor vehicle or  
15 having the exclusive use thereof, under a lease or otherwise, for a period greater  
16 than thirty days; as between contract vendor and contract vendee, the term,  
17 owner, shall refer to the contract vendee, unless the contrary clearly appears from  
18 the context of chapters 32-3 to 32-5B, inclusive, or a person having legal  
19 possession or title;
- 20 (17) "Rebuilt vehicle," any motor vehicle, trailer, or semitrailer that has been rebuilt by  
21 the addition or deletion of assemblies, subassemblies, parts, or component parts  
22 so that upon gross visual examination it does not appear to be the vehicle described  
23 in the certificate of title last issued for the vehicle, or whose title has been marked  
24 as rebuilt by this state or another state or jurisdiction;
- 25 (17A) "Recreational park trailer," a vehicle that is primarily designed to provide  
26 temporary living quarters for recreational, camping, or seasonal use and which:
- 27 (a) Is built on a single chassis mounted on wheels;
- 28 (b) Has a gross trailer area not exceeding four hundred square feet in the setup  
29 mode;
- 30 (c) Is certified by the manufacturer as complying with American National  
31 Standards Institute Standard No. A119.5 in effect on January 1, 2008; and
- 32 (d) Has at least a seventeen digit identification number and the manufacturer  
33 has designated the vehicle as a recreational park model on the  
34 manufacturer statement of origin;

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

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

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

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

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

3            **Section 7. That § 32-6D-1 be AMENDED:**

4            **32-6D-1.** Terms used in this chapter mean:

- 5            (1) "Consumer," the purchaser, other than for purposes of resale, of a new or  
6            previously untitled motor vehicle used in substantial part for personal, family, or  
7            household purposes, who is entitled by the terms of the warranty to enforce the  
8            obligations of the warranty;
- 9            (2) "Express warranty," a written warranty, so labeled, issued by the manufacturer of  
10           a new motor vehicle, including any terms or conditions precedent to the  
11           enforcement of obligations under that warranty;
- 12           (3) "Lemon law rights period," the period ending one year after the date of the original  
13           delivery of a motor vehicle to a consumer or the first twelve thousand miles of  
14           operation, whichever first occurs;
- 15           (4) "Manufacturer," the person, firm, corporation, or limited liability company engaged  
16           in the business of manufacturing, importing, or distributing motor vehicles to be  
17           made available to a motor vehicle dealer for retail sale;
- 18           (5) "Motor vehicle," any vehicle intended primarily for use and operation on the public  
19           ~~highways which~~ highway that is self-propelled. The term also includes any all-  
20           terrain vehicle with four or more wheels and with a combustion engine having a  
21           piston or rotor displacement of two hundred cubic centimeters or more. The term  
22           does not include any electric bicycle as defined in § 32-20B-9, a multi-passenger  
23           ~~bicycle quadricycle~~ as defined in section 1 of this Act, or any motor home or ~~to~~ any  
24           motor vehicle having a manufacturer's gross vehicle weight rating of fifteen  
25           thousand pounds or more;
- 26           (6) "Motor vehicle dealer" or "authorized dealer," any person operating under a dealer  
27           agreement from a manufacturer and licensed pursuant to chapter 32-6B;
- 28           (7) "Nonconforming condition," any condition of a motor vehicle that is not in  
29           conformity with the terms of any express warranty issued by the manufacturer to  
30           a consumer and that significantly impairs the use, value, or safety of the motor  
31           vehicle and occurs or arises solely in the course of the ordinary use of the motor  
32           vehicle, and that does not arise or occur as a result of abuse, neglect, modification,  
33           or alteration of the motor vehicle not authorized by the manufacturer, nor from

- 1 any accident or other damage to the motor vehicle which occurs or arises after the  
 2 motor vehicle was delivered by an authorized dealer to the consumer; and  
 3 (8) "Notice of a nonconforming condition," a written statement delivered to the  
 4 manufacturer and that describes the motor vehicle, the nonconforming condition,  
 5 and all previous attempts to correct the nonconforming condition by identifying the  
 6 person who made the attempt and the time the attempt was made.

7 **Section 8. That § 32-9-1 be AMENDED:**

8 **32-9-1.** Terms used in this chapter mean:

- 9 (1) "Compensation," the charge imposed upon motor carriers in consideration of the  
 10 unusual use of the public highways in this state by such motor carriers;  
 11 (2) "Compensation certificate," the certificate issued upon application by a motor  
 12 carrier, as defined in §§ 32-9-2 and 32-9-3, showing authority to use and payment  
 13 of compensation for the unusual use of the highways by the one to whom issued;  
 14 (3) "Commercial motor vehicle," any motor vehicle used or maintained for the  
 15 transportation of persons or property for hire, compensation or profit or designed,  
 16 used or maintained primarily for the transportation of property, and not specifically  
 17 excluded under § 32-9-3;  
 18 (4) "Department," Department of Revenue;  
 19 (5) "For hire," for remuneration of any kind, paid or promised, either directly or  
 20 indirectly, for the transportation of persons or property. An occasional  
 21 accommodative transportation service by a person not in the transportation  
 22 business while on an errand for himself, is not a service for hire, even though the  
 23 person transported shares in the cost or pays for the service;  
 24 (6) "Gross weight," the total weight of the chassis, body, equipment, and maximum  
 25 load of each motor vehicle, trailer, or semitrailer as fixed by the applicant for a  
 26 compensation certificate;  
 27 (7) "Motor vehicle," all vehicles or machines propelled by any power other than  
 28 muscular used upon the public highways for the transportation of persons or  
 29 property or both. The term does not include an electric bicycle as defined in § 32-  
 30 20B-9 or a multi-passenger ~~bicycle quadricycle~~ as defined in section 1 of this Act;  
 31 (8) "Private business use," the transportation of persons or property for hire,  
 32 compensation, profit, or remuneration of any kind, or the transportation of any  
 33 property of a business venture not specifically excluded under § 32-9-3;

- 1 (9) "Public highway," every street, alley, public road, public thoroughfare, or highway
- 2 in this state;
- 3 (10) "Secretary," secretary of revenue;
- 4 (11) "Semitrailer," any vehicle of the trailer type, equipped with a kingpin assembly,
- 5 designed and used in conjunction with a fifth wheel connecting device on a motor
- 6 vehicle and constructed so that some part of its weight and that of its load rests
- 7 upon or is carried by another vehicle; and
- 8 (12) "Trailer," every vehicle without motive power designed to carry property or persons
- 9 wholly on its own structure and to be drawn by a motor vehicle.

10 **Section 9. That § 32-14-1 be AMENDED:**

11 **32-14-1.** Terms used in chapters 32-14 to 32-19, inclusive, 32-12 and 32-22 to  
12 32-34, inclusive, mean:

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



- 1 (9) "Department," the Department of Public Safety of this state acting directly or  
2 through its duly authorized officers and agents;
- 3 (9A) "Electric bicycle," as that term is defined in § 32-20B-9;
- 4 (10) "Farm tractor," a motor vehicle designed and used primarily as a farm implement  
5 for drawing plows, mowing machines, and other implements of husbandry;
- 6 (11) "Highway," the entire width between the boundary lines of every way publicly  
7 maintained when any part thereof is open to the use of the public as a matter of  
8 right for purposes of vehicular travel;
- 9 (12) "Intersection," the area embraced within the prolongation of the lateral curb lines  
10 or, if none, then of the lateral boundary lines of two or more highways ~~which~~ that  
11 join one another at an angle, whether or not one such highway crosses the other.  
12 However, ~~such~~ the area, in the case of the point where an alley and a street meet  
13 within a municipality, is not an intersection;
- 14 (13) "Law enforcement officer," as that term is defined in § 23-3-27;
- 15 (14) "Local authorities," a county, municipal, township, road district, and other local  
16 board or body having authority to adopt local police regulations under the  
17 Constitution and laws of this state;
- 18 (15) "Metal tires," a tire that the surface ~~of which~~ in contact with the highway is wholly  
19 or partly of metal or other hard, nonresilient material;
- 20 (16) "Motorcycle," a motor vehicle designed to travel on not more than three wheels in  
21 contact with the ground, except any vehicle as may be included within the term,  
22 tractor;
- 23 (17) "Motor vehicle," a vehicle that is self-propelled. The term does not include an  
24 electric bicycle or multi-passenger ~~bicycle~~ quadricycle as defined in section 1 of  
25 this Act;
- 26 (18) "Official traffic control device," a sign, signal, marking, and device not inconsistent  
27 with the law placed or erected by authority of a public body or official having  
28 jurisdiction, for the purpose of regulating, warning, or guiding traffic. The term also  
29 includes a flagman or a sign, signal, marking, or other device temporarily placed  
30 or erected by a person working upon, along, above, or under a highway installing  
31 or maintaining a public service facility and which is necessary or required to warn,  
32 direct, or otherwise control traffic during the time of work or when a hazard exists;
- 33 (19) "Owner," a person who holds the legal title of a vehicle or in the event a vehicle is  
34 the subject of an agreement for the conditional sale or lease thereof with the right  
35 of purchase upon performance of the conditions stated in the agreement and with

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

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

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

2 **32-20-1.** Terms used in this chapter mean:

- 3 (1) "Department," the Department of Public Safety;
- 4 (2) "Moped," a motor driven cycle equipped with two or three wheels. If a combustion  
5 engine is used, the maximum piston or rotor displacement ~~shall~~ must be fifty cubic  
6 centimeters regardless of the number of chambers in ~~such~~ the power source. The  
7 power source ~~shall~~ must be equipped with a power drive system that functions  
8 directly or automatically only, not requiring clutching or shifting by the operator  
9 after the drive system is engaged. The term does not include an electric bicycle as  
10 defined in § 32-20B-9 ~~or a multi-passenger~~ bicycle quadricycle ~~as defined in~~  
11 section 1 of this Act;
- 12 (3) "Motorcycle," includes motorcycles, motorbikes, mopeds, bicycles with motor  
13 attached, and all motor operated vehicles of the bicycle or tricycle type, whether  
14 the motive power be a part thereof or attached thereto, and having a saddle or  
15 seat with the driver sitting astride or upon it, or a platform on which the driver  
16 stands, but excluding a tractor. The term does not include an electric bicycle as  
17 defined in § 32-20B-9 ~~or a multi-passenger~~ bicycle quadricycle; and
- 18 (4) "Off-road vehicle," any self-propelled, two or more wheeled vehicle designed  
19 primarily to be operated on land other than a highway and includes all terrain  
20 vehicles, dune buggies, and any vehicle whose manufacturer's statement of origin  
21 or manufacturer's certificate of origin states that the vehicle is not for highway use.  
22 The term does not include a farm vehicle as defined in § 32-3-2.4, a multi-  
23 passenger ~~bicycle quadricycle~~, or an electric bicycle as defined in § 32-20B-9.

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

25 **32-38-2.** For the purposes of this chapter, a passenger vehicle is any self-  
26 propelled vehicle intended primarily for use and operation on ~~the~~ a public ~~highways~~  
27 highway including any passenger car, station wagon, van, taxicab, emergency vehicle,  
28 motor home, truck, or pickup. The term does not include any motorcycle, motor scooter,  
29 motor bicycle, electric bicycle, multi-passenger ~~bicycle quadricycle~~ as defined in section 1  
30 of this Act, passenger bus, or school bus. The term also does not include any farm tractor  
31 or implement of husbandry designed primarily or exclusively for use in agricultural  
32 operations.

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

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

AMENDED