

# State of South Dakota

NINETIETH SESSION  
LEGISLATIVE ASSEMBLY, 2015

607W0071

## HOUSE BILL NO. 1075

Introduced by: Representatives Hickey, Bolin, Mickelson, Novstrup (Al), Rounds, Verchio,  
and Willadsen and Senators Curd, Greenfield (Brock), and Olson

1 FOR AN ACT ENTITLED, An Act to provide for off-road vehicle trails, to establish a fund to  
2 create and maintain the trails, and to provide a penalty therefor.

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

4 Section 1. The Department of Game, Fish and Parks may require an off-road vehicle trail  
5 permit to operate an off-road vehicle on state off-road vehicle trails. The Game, Fish and Parks  
6 Commission shall, by rules promulgated pursuant to chapter 1-26, establish an annual off-road  
7 vehicle permit fee for residents and nonresidents. The off-road vehicle trail permit allows the  
8 use of an off-road vehicle on all state off-road vehicle trails, including portions of the highway  
9 that are not marked as an off-road vehicle free zone. The moneys from the off-road vehicle trail  
10 permit fees shall be deposited in the off-road vehicle trail fund.

11 Section 2. There is hereby established the off-road vehicle trail fund in the state treasury for  
12 the purpose of establishing and maintaining off-road vehicle trails in the state.

13 Section 3. The moneys in the off-road vehicle trail fund established pursuant to section 2 of  
14 this Act are hereby appropriated for the administration of this Act. Moneys in the fund shall  
15 accumulate without reversion at the close of the fiscal year.



1 Section 4. The Department of Game, Fish and Parks shall, as rapidly as the accumulation  
2 of funds in the off-road vehicle trails fund permits, establish state off-highway vehicle trails and  
3 areas. The Game, Fish and Parks Commission is hereby authorized to expend such funds for the  
4 construction, maintenance, and marking of trails, including payments for the acquisition or  
5 leasing of land or easements and payments to the Department of Transportation for ditch  
6 maintenance, and for off-road vehicle safety programs and initiatives.

7 Section 5. Disbursements from the off-road vehicle trail fund shall be paid on warrants  
8 drawn by the state auditor on vouchers approved by the Game, Fish and Parks Commission.

9 Section 6. The use of state off-road vehicle trails by any person operating an off-road vehicle  
10 without an off-road vehicle trail license is a Class 2 misdemeanor.

11 Section 7. The Department of Game, Fish and Parks may place signs within any public  
12 right-of-way providing directions to a state owned or managed public use area.

13 Section 8. Notwithstanding § 32-20-2, a minor may operate an off-road vehicle on a portion  
14 of the public street or highway that is not marked as an off-road vehicle free zone as long as the  
15 minor is twelve years or older and is operating the off-road vehicle under the direct supervision  
16 of a licensed parent or guardian.

17 Section 9. That § 32-20-12 be amended to read as follows:

18 32-20-12. ~~No person may operate on a public street or highway an off-road vehicle except~~  
19 ~~for crossing from one side of the road to the other.~~ A person twelve years of age or older may  
20 operate an off-road vehicle in a highway ditch if the vehicle is operated as close as possible to  
21 the outer edge of the highway right-of-way. However, no person may operate an off-road vehicle  
22 in a highway ditch along the interstate highway system, or operate an off-road vehicle on any  
23 lands owned, leased, or controlled by the Department of Game, Fish and Parks, or any highway  
24 ditch located within, except on a designated off-road vehicle area or designated trail, or operate

1 an off-road vehicle ~~in a highway ditch that is designated as part of the state snowmobile trails~~  
2 ~~system pursuant to chapter 41-19 or~~ on a public bike trail. A violation of this section is a Class  
3 2 misdemeanor.

4 Off-road vehicles need not be registered and licensed for use upon the highways ~~except~~ as  
5 provided in § 32-20-13 unless the off-road vehicle is operated on a portion of the highway or  
6 road that is marked as an off-road vehicle free zone. Off-road vehicles shall be titled. The  
7 Department of Revenue shall issue a certificate of title for off-road vehicles the same as for  
8 other motor vehicles subject to the provisions of chapter 32-3.