

**TITLE VII: TRAFFIC CODE**

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## CHAPTER 70: GENERAL PROVISIONS

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### ***Cross-reference:***

*For local provisions, see Title XVII*

### **§ 70.01 DEFINITIONS.**

The words and phrases defined in SDCL § 32-14-1, shall, when used in this chapter, have the meanings respectively ascribed to them in such section, except in those instances where the context clearly indicates a different meaning.

### **§ 70.02 AUTHORITY.**

This municipality shall have authority to enact and enforce regulations pursuant to SDCL §§ 9-31-1 through 9-31-5.

### **§ 70.03 ADOPTION OF STATE TRAFFIC LAWS.**

The provisions of SDCL Title 32 are adopted by reference. It shall be unlawful for any person to violate those provisions. All traffic-control signs, devices, signals and markings shall be deemed erected pursuant to SDCL Title 32.

**§ 70.04 PERSONS PROPELLING PUSHCARTS OR RIDING BICYCLES OR ANIMALS.**

All persons propelling any pushcart or riding a bicycle or any animal and every person driving any animal upon any roadway in this municipality shall be subject to the provisions of this title applicable to the operator of any vehicle, except those provisions with reference to the equipment of vehicles and those provisions which by their nature can have no application.

***Cross-reference:***

*Bicycles, see Ch. 74*

**§ 70.05 REFUSING TO COMPLY WITH ORDER OF POLICE.**

It shall be unlawful to fail or refuse to:

(A) Submit to any lawful inspection under this chapter.

(B) Comply with the provisions of a warning ticket issued by a police officer under the provisions of this chapter.

Penalty, see § 70.99

**§ 70.06 BOARDING OR ALIGHTING FROM VEHICLE.**

It shall be unlawful to board or alight from a vehicle that is in motion.

Penalty, see § 70.99

**§ 70.07 OPENING DOORS INTO TRAFFIC.**

No person may open the door of a motor vehicle on the side available to moving traffic unless and until it is reasonably safe to do so, and can be done without interfering with the movement of other traffic, nor may any person leave a door open on the side of a vehicle available to moving traffic for a period of time longer than necessary to load or unload passengers.

(SDCL § 32-30-2.5) Penalty, see § 70.99

**§ 70.08 ANIMALS AND VEHICLES ON SIDEWALK.**

(A) No person may drive any vehicle other than a bicycle or an electric personal assistive device upon a sidewalk or sidewalk area in the municipality except upon a permanent or duly authorized temporary driveway.

(SDCL § 32-26-21.1)

(B) No person shall ride, drive, lead any horse or mule or drive or lead any cow or any other animal upon any public sidewalk in the municipality or cause to be drawn any vehicle ordinarily drawn by horses or mules on any sidewalk of the municipality.

Penalty, see § 70.99

**§ 70.09 CLINGING TO MOTOR VEHICLE.**

It shall be unlawful for any person riding on a motorcycle to attach himself or herself to any other vehicle on a roadway.

(SDCL § 32-20-6.5) Penalty, see § 70.99

**§ 70.10 USE OF DYNAMIC BRAKE DEVICE PROHIBITED.**

(A) Except as provided in this section, the use or operation of a dynamic braking device on unmuffled vehicles is hereby prohibited within this municipality

(B) A ***DYNAMIC BRAKING DEVICE*** is a device used on vehicles that converts the engine from an internal combustion engine to an air compressor for the purpose of braking without the use of wheel brakes. These devices are commonly referred to as “air brakes,” “engine brakes,” “compression brakes,” “Jacob’s Brakes,” or “Jake Brakes.”

(C) This section shall not apply to municipal emergency vehicles, whether or not responding to an emergency.

(D) As an affirmative defense to a charge of a violating of this section, the driver of the vehicle must prove by a preponderance of the evidence that:

(1) The driver of the vehicle was operating the vehicle in compliance with all applicable laws at the time the unmuffled dynamic braking device was used; and

(2) The speed of vehicle was reasonable given all of the relevant circumstances; and

(3) The driver believed that the use of the unmuffled dynamic braking device was necessary to either:

(a) Avoid an imminent threat to the safety of the driver or any other person; or

(b) Avoid an imminent threat to property.

(4) The driver’s belief as to the necessity for using the unmuffled dynamic braking device was objectively reasonable.

Penalty, see § 70.99

**§ 70.11 TEXTING PROHIBITED.**

(A) *Definitions.* The words and phrases defined in this section, shall, when used in this section, have the meanings respectively ascribed to them in such section, except in those instances where the context clearly indicates a different meaning:

***ELECTRONIC WIRELESS COMMUNICATION DEVICE.*** A mobile communication device that uses short-wave analog or digital radio transmissions or satellite transmissions between the device and a transmitter to permit wireless telephone communications to and from the user of the device within a specified area;

***VOICE OPERATED OR HANDS FREE TECHNOLOGY.*** Technology that allows a user to write, send, or listen to a text-based communication without the use of either hand except to activate, deactivate, or initiate a feature or function; and

***WRITE, SEND, OR READ A TEXT-BASED COMMUNICATION.*** Using an electronic wireless communications device to manually communicate with any person using text-based communication including communications referred to as a text message, instant message, or electronic mail.

(SDCL § 32-26-46)

(B) *Use of handheld electronic wireless communication device for text-based communication on highway*

(1) *Prohibited*---Violation as petty offense. No person may operate a motor vehicle on a highway while using a handheld electronic wireless communication device to write, send, or read a text-based communication.

(2) *Exceptions.* This section does not apply to a person who is using a handheld electronic wireless communication device:

(a) While the vehicle is lawfully parked;

(b) To contact any emergency public safety answering point or dispatch center;

(c) To write, read, select, or enter a telephone number or name in an electronic wireless communications device for the purpose of making or receiving a telephone call; or

(d) When using voice operated or hands free technology.

(C) *Penalty.* A violation of this section is a petty offense with a fine of \$100.  
(SDCL § 32-26-47)

**§ 70.99 PENALTY.**

Any violation of Title VII shall result in a fine not to exceed \$500 or imprisonment not exceeding 30 days or by both such fine and imprisonment.

***Statutory reference:***

*Maximum penalty, see SDCL §§ 9-19-3 and 22-6-2(2)*





## CHAPTER 71: TRAFFIC REGULATIONS

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***Cross-reference:***

*General provisions, see Ch. 70*

*Local provisions, see Title XVII*

***GENERAL*****§ 71.001 DRIVER'S LICENSE REQUIRED.**

No person, except those expressly exempted in SDCL §§ 32-12-22.1 through 32-12-28, inclusive, may drive any motor vehicle upon a highway in this state unless the person has a valid driver's license under the provisions of this chapter.

(SDCL § 32-12-22) Penalty, see § 70.99

**§ 71.002 LICENSE OR PERMIT; MINIMUM AGE.**

No person shall legally drive unless he or she has a valid permit or license and is, at a minimum, 16 years of age.

Penalty, see § 70.99

***Statutory reference:***

*Application for permit and minimum age, see SDCL § 32-12-11*

*Restricted minor's permit, restrictions on operation, see SDCL § 32-12-12*

**§ 71.003 LICENSE PLATE.**

(A) Except as otherwise specifically provided, no person may operate or drive a motor vehicle on the public highways of this state unless the vehicle has a distinctive number assigned to it by the department, and two number plates, bearing the number conspicuously displayed, horizontally and in an upright position, one on the front and one on the rear of the vehicle, each securely fastened. The plates shall at all times, as far as is reasonably possible, be kept clear and free of mud, ice, or snow so as to be clearly visible.

(B) All number plates, markers, or stamps evidencing registration or licensing of any vehicle in this or any foreign state, territory, district, or possession and any plate, marker, or stamp used in substitution for or in lieu of the number plates required by this section by virtue of any law or executive order for any prior year or years shall be removed from such vehicles.

(C) A motorcycle is only required to display one number plate. The motorcycle plate may be mounted in any visible manner other than upside down.

(SDCL § 32-5-98) Penalty, see § 70.99

**§ 71.004 MAXIMUM NUMBER OF PASSENGERS IN FRONT.**

No person may drive a vehicle when it is so loaded, or when there are in the front seat such a number of persons, exceeding three, as to obstruct the view of the driver to the front or sides of the vehicle or as to interfere with the driver's control over the driving mechanism of the vehicle.

(SDCL § 32-26-43) Penalty, see § 70.99

**§ 71.005 FAILURE TO STOP.**

(A) Any driver of a motor vehicle who intentionally fails or refuses to bring a vehicle to a stop, when given visual or audible signal to bring the vehicle to a stop, is guilty of failure to stop at the signal of a law enforcement officer.

(B) The signal given by the law enforcement officer may be by hand, voice, emergency light, or siren. The officer giving the signal shall be in uniform, prominently displaying a badge of office, and the vehicle shall be appropriately marked showing it to be an official law enforcement vehicle.

(SDCL § 32-33-18) Penalty, see § 70.99

***Statutory reference:***

*For license revocation and exceptions, see SDCL § 32-33-18 and 32-35-43.1*

**§ 71.006 FOLLOWING TOO CLOSELY.**

The driver of a motor vehicle may not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of such vehicles and the traffic upon and condition of the highway.

(SDCL § 32-26-40) Penalty, see § 70.99

**§ 71.007 FOLLOWING FIRE APPARATUS.**

It is unlawful for the driver of any vehicle other than one on official business to follow any fire apparatus traveling in response to a fire alarm closer than 500 feet or to drive into or park such vehicle within the block where the fire apparatus has stopped in answer to a fire alarm.

(SDCL § 32-31-7) Penalty, see § 70.99

**§ 71.008 RIGHT-OF-WAY FOR HIGHWAY EQUIPMENT AND PERSONNEL; USE OF LEFT-HAND SIDE OF HIGHWAY.**

(A) Highway equipment and personnel in the performance of their duties of maintaining the highway shall have the preference of right-of-way and shall be permitted to drive upon the left-hand side of the traveled portion of the highway for the purpose of dumping materials, for repairing the highway, and also for smoothing the road surface.

(B) Highway equipment shall, at all times, display a flashing or revolving light to warn the traveling public. However, highway equipment may not indiscriminately block the traffic, but shall allow reasonable room on the traveled portion of the highway for other vehicles to pass. The equipment may not be bound by the provisions of this chapter to turn to the right when meeting other vehicles or allowing them to pass when work requires such equipment to remain on the other side of the traveled portion of the highway. The equipment is subject to the laws of travel as provided in this chapter, unless the performance of maintenance work requires otherwise.

(SDCL § 32-26-16) Penalty, see § 70.99

**§ 71.009 UNSAFE BACKING.**

It shall be unlawful for a driver of a vehicle to back the vehicle unless such movement can be made with safety and without interfering with other traffic.

(SDCL § 32-30-20) Penalty, see § 70.99

**§ 71.010 DRIVING OVER FIRE HOSE.**

No vehicle may be driven over any unprotected hose of a fire department when laid down on any street, private road, or driveway to be used at any fire or alarm of fire, without the consent of the fire department official in command.

(SDCL § 32-31-8) Penalty, see § 70.99

**§ 71.011 INTERFERENCE WITH DRIVER'S VIEW.**

No passenger in a vehicle may ride in such position as to interfere with the driver's view ahead or to the sides or to interfere with his or her control over the driving mechanism of the vehicle.

(SDCL § 32-26-44) Penalty, see § 70.99

**§ 71.012 RECKLESS DRIVING.**

Any person who drives any vehicle upon a highway, alley, public park, recreational area, or upon the property of a public or private school, college, or university carelessly and heedlessly in disregard of the rights or safety of others, or without due caution and circumspection and at a speed or in a manner so as to endanger or be likely to endanger any person or property, is guilty of reckless driving.

Penalty, see § 70.99

***Statutory reference:***

*Similar provisions, see SDCL §§ 32-24-1 et seq.*

**§ 71.013 DRIVING THROUGH PROCESSION.**

No driver shall drive through or otherwise interfere with any funeral or other authorized procession, in any of the streets, and it shall be the duty of any driver of any vehicle to stop when reaching a street upon which a procession is passing and wait until it has passed.

Penalty, see § 70.99

***Statutory reference:***

*Authority, see SDCL § 32-14-5*

**§ 71.014 DRIVER'S LICENSE OR PERMIT REQUIRED TO OPERATE MOTORCYCLE, MOPED, ALL-TERRAIN VEHICLE, OR THREE-WHEEL VEHICLE; TESTING REQUIREMENTS.**

No person may operate a motorcycle, except a moped as defined in SDCL § 32-20-1, a licensed all-terrain vehicle under SDCL § 32-20-13, or any motor vehicle that has three wheels and is operated with a steering wheel and foot controls on the public streets or highways without a motor vehicle driver license or permit upon which a state testing officer has certified that such person is qualified to operate such motorcycle. An operator of a moped, a licensed all-terrain vehicle, or a motor vehicle that has three wheels and is operated with a steering wheel and foot controls shall have a valid motor vehicle driver license or permit. The department may waive the testing requirements upon completion of a motorcycle safety course approved pursuant to SDCL § 32-20-14.  
(SDCL § 32-20-2) Penalty, see § 70.99

***OPERATION OF VEHICLES***

**§ 71.025 DRIVING ON RIGHT SIDE OF STREET.**

Upon all highways of sufficient width, except upon one-way streets, the driver of a vehicle shall drive the same upon the right half of the highway and shall drive a slow-moving vehicle as closely as possible to the right-hand edge or curb of such highway, unless it is impracticable to travel on such side of the highway and except when overtaking and passing another vehicle subject to the limitations applicable in overtaking and passing set forth in SDCL §§ 32-26-26 through 32-26-39.  
(SDCL § 32-26-1) Penalty, see § 70.99

**§ 71.026 INTERSECTIONS AND GRADE CROSSINGS.**

In crossing an intersection of highways or the intersection of a highway by a railroad right-of-way, the driver of a vehicle shall at all times cause such vehicle to travel on the right half of the highway unless such right half is obstructed or impassable.  
(SDCL § 32-26-2) Penalty, see § 70.99

**§ 71.027 PASSING ONCOMING VEHICLES.**

Drivers of vehicles proceeding in opposite directions shall pass each other to the right, each giving to the other at least one-half of the main-traveled portion of the roadway as nearly as possible.  
(SDCL § 32-26-3) Penalty, see § 70.99

**§ 71.028 ROADWAYS LANED FOR TRAFFIC.**

Whenever any roadway has been divided into two or more clearly marked lanes for traffic, the following shall apply:

(A) *Lane driving required.* On a roadway divided into lanes, a vehicle shall be driven as nearly as practicable entirely within a single lane and may not be moved from such lane until the driver has first ascertained that such movement can be made with safety.

(SDCL § 32-26-6)

(B) *Three-lane highway.* Upon a roadway which is divided into three lanes, a vehicle may not be driven in the center lane except when overtaking and passing another vehicle where the roadway is clearly visible and such center lane is clear of left turn or where such center lane is at the time allocated exclusively to traffic moving in the direction the vehicle is proceeding and is marked or signposted to give notice of such allocation.

(SDCL § 32-26-7)

(C) *Slow moving traffic lane.* Official signs may be erected on a roadway divided into lanes directing slow-moving traffic to use a designated lane or designating those lanes to be used by traffic moving in a particular direction regardless of the center of the roadway and drivers of vehicles shall obey the directions of every such sign.

(SDCL § 32-26-8)

(D) *Highway divided by physical barrier.* If any highway has been divided into two roadways by leaving an intervening space or by a physical barrier or clearly indicated dividing section so constructed as to impede vehicular traffic, every vehicle shall be driven only upon the right-hand roadway and no vehicle may be driven over, across, or within any such dividing space, barrier, or section, except through an opening in such physical barrier or dividing section or at a crossover or intersection established by public authority.

(SDCL § 32-26-9) Penalty, see § 70.99

**§ 71.029 DRIVING ON LEFT ON APPROACH TO INTERSECTION.**

No vehicle may be driven on the left side of the roadway when approaching within 100 feet of or traversing any intersection or railroad grade crossing or when the view is obstructed upon approaching within 100 feet of any bridge, viaduct, or tunnel.

(SDCL § 32-26-36) Penalty, see § 70.99

**§ 71.030 OVERTAKING VEHICLES.**

The driver of any vehicle overtaking another vehicle proceeding in the same direction shall pass at a safe distance to the left thereof. The driver of an overtaking vehicle shall pass at a safe distance to the

side of an overtaken vehicle and may not cut in front of the latter until safely clear of the overtaken vehicle. (SDCL § 32-26-26) Penalty, see § 70.99

### **§ 71.031 PASSING ON RIGHT.**

The driver of a motor vehicle may overtake and pass to the right of another vehicle only under the following conditions:

(A) When the vehicle overtaken is making or about to make a left turn;

(B) Upon a street or highway with unobstructed pavement, not occupied by parked vehicles, of sufficient width for two or more lines of moving vehicles in each direction;

(C) Upon a one-way street, or upon any roadway on which traffic is restricted to one direction of movement, where the roadway is free from obstructions and of sufficient width for two or more lines of moving vehicles.

(SDCL § 32-26-27) Penalty, see § 70.99

### **§ 71.032 PASSING ON RIGHT; DRIVING OFF PAVEMENT.**

The driver of a vehicle may overtake and pass another vehicle upon the right only under conditions permitting such movement in safety. In no event may such movement be made by driving off the pavement or main traveled portion of the roadway.

(SDCL § 32-26-28) Penalty, see § 70.99

### **§ 71.033 DUTY OF DRIVER OF OVERTAKEN VEHICLE.**

Unless overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle on suitable and audible signal being given by the driver of the overtaking vehicle, and may not increase the speed of his or her vehicle until completely passed by the overtaking vehicle.

(SDCL § 32-26-31) Penalty, see § 70.99

### **§ 71.034 DRIVING ON LEFT; OBSTRUCTED VIEW.**

No person may drive any vehicle on the left side of the roadway when approaching or upon the crest of a grade or a curve in the highway where the driver's view is obstructed within such distance as to create a hazard if another vehicle is approaching from the opposite direction.

(SDCL § 32-26-35) Penalty, see § 70.99



**§ 71.035 PASSING BY CROSSING HIGHWAY CENTER LINE; VISION OBSCURED.**

No driver of a vehicle may drive to the left side of the center line of a highway in overtaking and passing another vehicle proceeding in the same direction unless such left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be made in safety.

(SDCL § 32-26-34) Penalty, see § 70.99

**§ 71.036 NO PASSING ZONE.**

The driver of a vehicle may not overtake and pass any other vehicle proceeding in the same direction when traveling in a no-passing zone on highways or bridges when either marked by signs or lines on the roadways.

(SDCL § 32-26-37) Penalty, see § 70.99

**§ 71.037 OVERTAKING BICYCLE; MINIMUM SEPARATION.**

The driver of any motor vehicle overtaking a bicycle proceeding in the same direction shall allow a minimum of a three foot separation between the right side of the driver's vehicle, including any mirror or other projection, and the left side of the bicycle if the posted limit is thirty-five miles per hour or less and shall allow a minimum of six feet separation if the posted limit is greater than thirty-five miles per hour. Notwithstanding any other provision of law, a motor vehicle overtaking a bicycle proceeding in the same direction may partially cross the highway centerline or the dividing line between two lanes of travel in the same direction if it can be performed safely. The driver of the motor vehicle shall maintain that separation until safely past the overtaken bicycle.

(SDCL § 32-26-26.1) Penalty, see § 70.99

***RIGHT-OF-WAY AND SPECIAL STOPS*****§ 71.050 INTERSECTIONS; YIELD RIGHT-OF-WAY.**

(A) When two vehicles approach or enter an intersection at approximately the same time, the driver of the vehicle on the left shall yield the right-of-way to the vehicle on the right except as otherwise provided in §§ 71.008, 71.051 and 71.053.

(B) The driver of any vehicle traveling at an unlawful speed shall forfeit any right-of-way which he or she might otherwise have.

(SDCL § 32-26-13) Penalty, see § 70.99

**§ 71.051 RIGHT-OF-WAY; EMERGENCY VEHICLES.**

(A) The driver of a vehicle upon a highway shall yield the right-of-way to police and fire department vehicles and ambulances if they are operated upon official business and the drivers give an audible signal by bell, siren, or exhaust whistle or visual signal by flashing, oscillating, or rotating beams of red light or combination of red, blue, or white light visible 180 degrees to the front of the vehicle.

(B) The provisions of this section do not relieve the driver of a police, fire department vehicle, or ambulance from the duty to drive with due regard for the safety of all persons using the highway nor does it protect the driver of any such vehicle from the consequence of an arbitrary exercise of such right-of-way. (SDCL § 32-26-15) Penalty, see § 70.99

**§ 71.052 LEFT-TURNING VEHICLES.**

(A) *Manner of making turn.* The driver of a vehicle intending to turn left shall approach the turn in the extreme left-hand lane lawfully available to traffic moving in the direction of travel of the vehicle. If practicable, the left turn shall be made to the left of the center of the intersection and so as to leave the intersection or other location in the extreme left-hand lane lawfully available to traffic moving in the same direction as the vehicle on the roadway being entered. (SDCL § 32-26-18)

(B) *Right-of-way of oncoming vehicle.* The driver of a vehicle within an intersection intending to turn to the left shall yield the right-of-way to any vehicle approaching from the opposite direction which is within the intersection or so close thereto as to constitute an immediate hazard. The driver after having so yielded and having given a signal when and as required by this chapter, may make such left turn. (SDCL § 32-26-19) Penalty, see § 70.99

**§ 71.053 ENTRY ON HIGHWAY FROM ALLEY.**

The driver of a vehicle about to enter or cross a public highway from an alley, building, private road, or driveway shall yield the right-of-way to all vehicles approaching on such public highway. (SDCL § 32-26-14) Penalty, see § 70.99

**§ 71.054 ACTION REQUIRED AT STOP SIGN; PLACE OF STOPPING.**

(A) Unless directed to proceed by a police officer or traffic control signal, every driver of a vehicle approaching a stop intersection indicated by a stop sign shall come to a full stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or if none, then at

the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection.

(B) After having stopped, the driver shall yield the right-of-way to any vehicle which has entered or is approaching the intersection from another highway and may not proceed into the intersection until certain that such intersecting roadway is free from oncoming traffic which may affect safe passage.

(SDCL § 32-29-2.1) Penalty, see § 70.99

#### **§ 71.055 STOP REQUIRED BEFORE ENTERING FROM ALLEY, BUILDING OR PRIVATE ROAD.**

The driver of a vehicle emerging from an alley, building, private road, or driveway within a business or residence district shall stop such vehicle immediately prior to driving onto a sidewalk or onto the sidewalk area extending across such alley, building entrance, road, or driveway, or if there is no sidewalk area, shall stop at the point nearest the street to be entered where the driver has a view of approaching traffic thereon.

(SDCL § 32-29-2.2) Penalty, see § 70.99

#### **§ 71.056 DUTY WHEN APPROACHING YIELD SIGN; PEDESTRIANS.**

(A) The driver of a vehicle approaching a yield sign shall in obedience to the sign slow down to a speed reasonable for the existing conditions, or shall stop if necessary in a similar manner as provided in § 71.054, and shall yield the right-of-way to any pedestrian legally crossing the roadway on which he or she is driving, and to any vehicle in the intersection or approaching on another highway so closely as to constitute an immediate hazard. The driver, having so yielded, may proceed and the drivers of all other vehicles approaching the intersection shall yield to the vehicle so proceeding.

(B) However, if the driver is involved in a collision with a pedestrian in a crosswalk or a vehicle in the intersection after driving past a yield sign without stopping, the collision is prima facie evidence of his or her failure to yield the right-of-way.

(SDCL § 32-29-3) Penalty, see § 70.99

#### **§ 71.057 STOP REQUIRED WHEN GRADE CROSSING SIGNAL OPERATING.**

If any person driving a vehicle approaches a railroad grade crossing and a law enforcement officer or a clearly visible or audible signal gives warning of the immediate approach of a railway train or car or other on-track equipment, he or she shall bring such vehicle to a complete stop within 50 feet but not less than 15 feet from the nearest rail of such railroad and may not proceed until he or she can do so safely.

(SDCL § 32-29-4) Penalty, see § 70.99

**§ 71.058 REQUIRED TO STOP AT ALL GRADE CROSSING; NO GEAR SHIFTING WHILE CROSSING.**

(A) The driver of any motor vehicle carrying passengers for hire, any school bus carrying passengers, any vehicle carrying passengers owned or operated by a nonprofit organization that requires inspection pursuant to SDCL § 32-21-3.1, or any vehicle carrying explosive substances or combustible or flammable liquid as a cargo or part of a cargo, before crossing at grade any track of a railroad, except where a police officer or traffic control signal directs traffic to proceed or the track is nonoperational and is marked with a supplemental sign as provided in SDCL § 31-28-7, shall stop such vehicle within 50 feet from the nearest rail of such railroad and may not proceed until he or she has ascertained that he or she can do so safely.

(B) After stopping and upon proceeding, the driver of the vehicle shall cross only in such gear of the vehicle that there will be no necessity of changing gears while traversing the crossing and may not shift gears while crossing the track or tracks.

(SDCL § 32-29-5) Penalty, see § 70.99

***TURNING MOVEMENTS*****§ 71.070 RIGHT-TURNING VEHICLE.**

Except as otherwise provided in § 71.073, the driver of a vehicle intending to turn to the right at an intersection shall approach such intersection in the lane for traffic nearest to the right-hand side of the highway, and in turning shall keep as closely as practicable to the right-hand curb or edge of the highway. (SDCL § 32-26-17) Penalty, see § 70.99

**§ 71.071 LEFT-TURNING VEHICLE.**

(A) The driver of a vehicle intending to turn left shall approach the turn in the extreme left-hand lane lawfully available to traffic moving in the direction of travel of the vehicle. If practicable, the left turn shall be made to the left of the center of the intersection and so as to leave the intersection or other location in the extreme left-hand lane lawfully available to traffic moving in the same direction as the vehicle on the roadway being entered.

(SDCL § 32-26-18)

(B) The driver of a vehicle within an intersection intending to turn to the left shall yield the right-of-way to any vehicle approaching from the opposite direction which is within the intersection or so close thereto as to constitute an immediate hazard. The driver after having so yielded and having given a signal when and as required by this chapter, may make such left turn.

(SDCL § 32-26-19) Penalty, see § 70.99

**§ 71.072 TURNING FROM WRONG LANE.**

No person may turn a vehicle at an intersection unless the vehicle is in proper position upon the roadway as required by §§ 71.070 and 71.071. A signal of intention to turn right or left when required shall be given continuously during not less than the last 100 feet traveled by the vehicle before turning. (SDCL § 32-26-18.1) Penalty, see § 70.99

**§ 71.073 AUTHORITY TO MODIFY METHOD OF TURNING.**

(A) (1) The municipality may modify the method of turning at intersections provided by §§ 71.070 and 71.071(A) by clearly indicating by buttons, markers, or other direction signs installed within an intersection the course to be followed by vehicles turning thereat. No such signs or buttons shall be placed upon any state highway without the approval of the Department of Transportation.

(2) If the municipality modifies the method of turning, it shall be a violation not to turn in the indicated manner.

(B) When an intersection is so constructed and laid out that different and clearly defined courses of travel are provided for vehicles turning to the left or right, as the case may be, it shall be lawful for any driver in making any such turn to follow the course thereby indicated. (SDCL § 32-26-20) Penalty, see § 70.99

**§ 71.074 STARTING, STOPPING OR TURNING SIGNALS; WHEN REQUIRED.**

The driver of any vehicle upon a highway before starting, stopping, or turning from a direct line shall first see that such movement can be made in safety and if any pedestrian may be affected by such movement shall give a clearly audible signal by sounding the horn, and whenever the operation of any other vehicle may be affected by such movement shall give a signal as required in § 71.075 plainly visible to the driver of such other vehicle of the intention to make such movement. (SDCL § 32-26-22) Penalty, see § 70.99

**§ 71.075 ARM SIGNALS, MECHANICAL SIGNS AND ELECTRICAL SIGNALS.**

The signal required in § 71.074 shall be given either by means of the hand and arm in the manner specified in § 71.076, or by an approved mechanical or electrical signal device. However, a vehicle is so constructed or loaded as to prevent the hand and arm signal from being visible both to the front and rear, the signal shall be given by device of a type which has been approved by the Department of Public Safety. (SDCL § 32-26-23) Penalty, see § 70.99

**§ 71.076 MANNER OF MAKING ARM SIGNALS.**

If the signals required by §§ 71.074 and 71.075 are given by means of the hand and arm, the driver shall indicate his or her intention to start, stop, or turn by extending the hand and arm from the left side of the vehicle in the following manner and such signals shall indicate as follows:

(A) Left turn: hand and arm extended horizontally.

(B) Right turn: hand and arm extended upward.

(C) Stop or decrease speed: hand and arm extended downward.

(SDCL § 32-26-24) Penalty, see § 70.99

***ACCIDENTS*****§ 71.090 DUTY OF VEHICLE DRIVER TO STOP IN CASE OF ACCIDENT.**

The driver of any vehicle involved in any accident resulting in injury or death to any person or damage to property shall immediately stop and give his or her name and address, and the name and address of the owner and the license number of the vehicle he or she is driving to the person struck or the driver or occupants of any vehicle collided with and shall render to any person injured in such accident reasonable assistance, including the carrying of such person to a physician or surgeon for medical treatment if it is apparent that such treatment is necessary or is requested by the injured person.

(SDCL § 32-34-3) Penalty see, § 70.99

**§ 71.091 IMMEDIATE REPORT TO POLICE.**

(A) If none of the persons specified in § 71.090 are in condition to receive the information to which they otherwise would be entitled, and no police officer is present, the driver of any vehicle involved in such accident, after fulfilling all other requirements of § 71.090, insofar as possible on his or her part to be performed, shall forthwith report such accident to the nearest office of a duly authorized police authority and submit thereto the information specified in § 71.090.

(SDCL § 32-34-3.1)

(B) The driver of any motor vehicle involved in an accident resulting in bodily injuries or death to any person or property damage to an apparent extent of \$1,000 or more to any one person's property or \$2,000 per accident shall immediately, by the quickest means of communication, give notice of the accident to the nearest available law enforcement officer who has jurisdiction.

(SDCL § 32-34-7) Penalty, see § 70.99

**§ 71.092 DUTY TO STOP AFTER ACCIDENT WITH UNATTENDED VEHICLE OR PROPERTY.**

The driver of any vehicle which collides with or is involved in an accident with any vehicle or other property which is unattended resulting in any damage to such other vehicle or property shall immediately stop and shall then and there either locate and notify the operator or owner of such vehicle or other property of his or her name, address and the name and address of the owner and the license number of the vehicle he is driving or shall attach securely in a conspicuous place in or on such vehicle or other property a written notice giving his or her name, address, and the name and address of the owner and the license number of the vehicle he or she is driving and shall without unnecessary delay notify the nearest office of a duly authorized police authority. Every such stop shall be made without obstructing traffic more than is necessary.

(SDCL § 32-34-4) Penalty, see § 70.99

**§ 71.093 PROPERTY DAMAGE; DUTY.**

Any driver of any vehicle involved in an accident resulting in damage to property shall stop his or her vehicle at the scene of the accident and immediately give his or her name and address, and the name and address of the owner of the vehicle. If the damage is to another motor vehicle and the owner of the damaged vehicle is not at the scene of the accident, the driver shall immediately leave such information on the other motor vehicle. If the damage is to property other than a motor vehicle, and the owner of the damaged property is not at the scene, the driver shall leave such information with the owner of the property or with a law enforcement agency as soon as possible.

(SDCL § 32-34-6) Penalty, see § 70.99

**§ 71.094 PHYSICAL INCAPACITY OF DRIVER; DUTY OF OCCUPANT.**

(A) An accident report is not required from any person who is physically incapable of making such report during the period of such incapacity.

(SDCL § 32-34-8)

(B) If the driver of a vehicle is physically incapable of giving an immediate notice of an accident and there was another occupant in the vehicle at the time of the accident capable of doing so, such occupant shall make or cause to be given the notice not given by the driver.

(SDCL § 32-34-9) Penalty, see § 70.99





## CHAPTER 72: STOPPING, STANDING AND PARKING

### Section

- 72.01 Standing or parked vehicles; remaining space required; unobstructed view required
- 72.02 Safeguarding of unattended vehicle
- 72.03 Position of parking
- 72.04 Places where standing and parking prohibited
- 72.05 Places where stopping prohibited
- 72.06 Places where parking prohibited; loading and unloading
- 72.07 Parking spaces for persons with disabilities
- 72.08 Unauthorized parking or stopping

### ***Cross-reference:***

*General provisions, see Ch. 70*

*Local provisions, see Title XVII*

### **§ 72.01 STANDING OR PARKED VEHICLES; REMAINING SPACE REQUIRED; UNOBSTRUCTED VIEW REQUIRED.**

No person may park or leave standing any vehicle, whether attended or unattended, upon any highway unless a clear or unobstructed width of not less than 20 feet upon the main-traveled portion of such highway opposite such standing vehicle shall be left for free passage of other vehicles thereon, nor unless a clear view of such vehicle may be obtained from a distance of 200 feet in each direction upon such highway.

(SDCL § 32-30-2) Penalty, see § 70.99

### **§ 72.02 SAFEGUARDING OF UNATTENDED VEHICLE.**

No person driving or in charge of a motor vehicle may permit it to stand unattended without effectively setting the brake thereon and, if standing upon any grade, turning the front wheel to the curb or side of the highway.

(SDCL § 32-30-5) Penalty, see § 70.99

**§ 72.03 POSITION OF PARKING.**

(A) *Two-way road.* Except as otherwise provided in division (B), below, and SDCL §§ 32-30-2.2 to 32-30-2.4, inclusive, every vehicle stopped or parked upon a two-way roadway shall be so stopped or parked with the right-hand wheels parallel to and within 12 inches of the right-hand curb or edge of the roadway.

(SDCL § 32-30-2.1)

(B) *One-way road.* Unless otherwise provided, every vehicle stopped or parked upon a one-way roadway shall be so stopped or parked parallel to the curb or edge of the roadway, in the direction of authorized traffic movement, with its right-hand wheels within 12 inches of the right-hand curb or edge of the roadway, or its left-hand wheels within 12 inches of the left-hand curb or edge of the roadway.

(SDCL § 32-30-2.2) Penalty, see § 70.99

**§ 72.04 PLACES WHERE STANDING AND PARKING PROHIBITED.**

Unless necessary to avoid conflict with other traffic, or unless a police officer or official traffic control device has so directed, no person may stand or park a vehicle, whether occupied or not, except momentarily to pick up or discharge a passenger or passengers:

(A) In front of a public or private driveway;

(B) Within 15 feet of a fire hydrant;

(C) Within 20 feet of a crosswalk at an intersection;

(D) Within 30 feet upon the approach to any flashing signals, stop sign, yield sign, or traffic control signal located at the side of a roadway;

(E) Within 20 feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within 75 feet of said entrance when properly signposted;

(F) At any place where official signs prohibit standing.

(SDCL § 32-30-6) Penalty, see § 70.99

**§ 72.05 PLACES WHERE STOPPING PROHIBITED.**

Unless necessary to avoid conflict with other traffic, or unless a police officer or official traffic control device has so directed, no person may stop, stand or park a vehicle:

(A) On the roadway side of any vehicle stopped or parked at the edge or curb of a street;

(B) On a sidewalk;

(C) Within an intersection;

(D) On a crosswalk;

(E) Between a safety zone and the adjacent curb or within 30 feet of points on the curb immediately opposite the ends of a safety zone, unless a different length is indicated by signs or markings;

(F) Alongside or opposite any street excavation or obstruction when stopping, standing, or parking would obstruct traffic;

(G) Upon any bridge or other elevated structure upon a highway or with a highway tunnel;

(H) On any railroad tracks;

(I) At any place where official signs prohibit stopping.

(SDCL § 32-30-6.1) Penalty, see § 70.99

**§ 72.06 PLACES WHERE PARKING PROHIBITED; LOADING AND UNLOADING.**

Unless necessary to avoid conflict with other traffic, or unless a police officer or official traffic control device has so directed, no person may park a vehicle, whether occupied or not, except temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers:

(A) Within 50 feet of the nearest rail of a railroad crossing;

(B) At any place where official signs prohibit parking.

(SDCL § 32-30-6.2) Penalty, see § 70.99

**§ 72.07 PARKING SPACES FOR PERSONS WITH DISABILITIES.**

(A) There are designated parking spaces which shall be accessible to and usable by persons with physical disabilities.

(B) There are parking spaces that are only for use by a person using a wheelchair.

(C) The parking spaces shall be designed in accordance with the Americans With Disabilities Act as amended on January 1, 2002.

(SDCL § 32-30-11.6)

(D) It shall be a violation of this section for any person not having special license plates issued under SDCL § 32-5-76, a serially numbered certificate issued under SDCL §§ 32-5-76.1 or 32-5-76.2, or a similar license plate or certificate issued in another state on an automobile used in transporting that person to park in any of the above designated spaces if that person does not display the appropriate designation of disability pursuant. That person shall be subject to SDCL § 32-30-11.3.

(SDCL § 32-30-11.3)

***Statutory reference:***

*Disabled parking and time limitation, see SDCL § 32-30-11.1*

**§ 72.08 UNAUTHORIZED PARKING OR STOPPING.**

The owner of any vehicle not displaying a serially numbered certificate or special license plate parked or stopped in a parking space, or blocking a parking space, on public or private property designated as reserved for a person with a physical disability commits a violation of this section and is subject to SDCL § 32-30-11.4.

(SDCL § 32-30-11.4)

## CHAPTER 73: SNOWMOBILES

### Section

- 73.01 Definitions
- 73.02 Speeding and reckless driving prohibited
- 73.03 Age restrictions

### ***Cross-reference:***

*General provisions, see Ch. 70*

*Local provisions, see Title XVII*

### **§ 73.01 DEFINITIONS.**

The words and phrases defined in SDCL § 32-20A-1, shall, when used in this chapter, have the meanings respectively ascribed to them in such section, except in those instances where the context clearly indicates a different meaning.

### **§ 73.02 SPEEDING AND RECKLESS DRIVING PROHIBITED.**

No person may operate a snowmobile in the following manner:

(A) At a speed that is greater than is reasonable or prudent under the circumstances;

(B) In any reckless way so as to endanger the person or property of another;

(C) Without a functioning muffler complying with SDCL § 32-15-17.

(SDCL § 32-20A-2) Penalty, see § 70.99

**§ 73.03 AGE RESTRICTIONS.**

There is no age limitation for the operation of a snowmobile. However, no person under the age of 14 may drive a snowmobile across a roadway as defined in SDCL § 32-14-1(27) of a highway as defined in SDCL §§ 31-1-5(1) to 31-1-5(4), inclusive, except under the immediate direction of a parent, legal guardian, or person who is 18 years of age or older.

(SDCL § 32-20A-3) Penalty, see § 70.99

## CHAPTER 74: BICYCLES

### Section

- 74.01 Operation on sidewalk or crosswalk
- 74.02 Parking on sidewalk
- 74.03 Operation on roadway; riding close to right-hand curb
- 74.04 Turning, stopping or starting signals required
- 74.05 Racing
- 74.06 Electric bicycles

### ***Cross-reference:***

*General provisions, see Ch. 70*

*Local provisions, see Title XVII*

### **§ 74.01 OPERATION ON SIDEWALK OR CROSSWALK.**

(A) A person operating a bicycle upon and along a sidewalk, or across a roadway upon and along a crosswalk, shall have all the rights and duties applicable to a pedestrian under the same circumstances, except as provided in division (B) and except that bicyclists must stop before entering a crosswalk or highway from a sidewalk or sidewalk area.

(SDCL § 32-20B-2)

(B) A person operating a bicycle upon and along a sidewalk, or across a roadway upon and along a crosswalk, shall yield the right-of-way to any pedestrian and shall give an audible signal before overtaking and passing a pedestrian.

(SDCL § 32-20B-3) Penalty, see § 70.99

### **§ 74.02 PARKING ON SIDEWALK.**

A person may park a bicycle on a sidewalk unless prohibited or restricted by an official traffic control device or ordinance. The parked bicycle may not impede the normal and reasonable movement of pedestrian or other traffic.

(SDCL § 32-20B-4) Penalty, see § 70.99

**§ 74.03 OPERATION ON ROADWAY; RIDING CLOSE TO RIGHT-HAND CURB.**

(A) (1) Any person operating a bicycle upon a roadway at less than the normal speed of traffic at the time and place and under the conditions then existing shall ride as close as practicable to the right-hand curb or edge of the roadway.

(2) However, a person operating a bicycle may move from the right-hand curb or edge of the roadway to overtake and pass another bicycle or vehicle proceeding in the same direction, to prepare for a left turn at an intersection or into a private road or roadway or to avoid conditions including, but not limited to, fixed or moving objects, parked or moving vehicles, bicycles, pedestrians, animals, surface hazards, or substandard width lanes that make it unsafe to continue along the right-hand curb or edge.

(B) For purposes of this section, a *SUBSTANDARD WIDTH LANE* is a lane that is too narrow for a bicycle and vehicle to travel safely side by side within the lane.

(SDCL § 32-20B-5) Penalty, see § 70.99

**§ 74.04 TURNING, STOPPING OR STARTING SIGNALS REQUIRED.**

A person operating a bicycle shall give a continuous signal of intention to turn right or left during the last 100 feet traveled by the bicycle before turning. The signal shall also be given while the bicycle is stopped waiting to turn. A signal by hand and arm need only be given intermittently if the hand is needed in the control operation of the bicycle. No driver of a bicycle may overtake another vehicle on the right if the overtaken vehicle is signaling to make a right turn. Except as provided in this section, a person operating a bicycle shall comply with the provisions of SDCL §§ 32-26-22 and 32-26-22.1.

(SDCL § 32-20B-6) Penalty, see § 70.99

**§ 74.05 RACING.**

(A) *Racing in approved event authorized.* Notwithstanding the provisions of SDCL § 32-25-23, a person may race a bicycle on a highway when competing in a racing event which has been approved by the transportation commission or local authorities on a highway under their jurisdictions. Approval of a bicycle highway racing event shall be granted only under conditions which assure reasonable safety for all race participants, spectators, and other highway users, and which prevent unreasonable interference with traffic flow which would seriously inconvenience other highway users. Tests of endurance are not considered bicycle racing.

(SDCL § 32-20B-7)

(B) *Exemption from traffic laws.* The municipality may exempt participants in an approved bicycle highway racing event on a highway under their jurisdiction from compliance with any traffic laws



otherwise applicable thereto, provided that traffic control is adequate to assure the safety of all highway users.

(SDCL § 32-20B-8)

#### § 74.06 ELECTRIC BICYCLES.

(A) *Electric bicycle defined; classes.* For purposes of this chapter, the term **ELECTRIC BICYCLE** means a bicycle or a tricycle that is equipped with a seat or saddle, with operable pedals for propulsion, and with an electric motor of 750 watts or less.

(1) An electric bicycle is a Class I electric bicycle if the motor provides assistance only when the person is pedaling and ceases to provide assistance when a speed of 20 miles per hour is achieved.

(2) An electric bicycle is a Class II electric bicycle if the motor is capable of propelling the bicycle without the person pedaling and ceases to provide assistance when a speed of 20 miles per hour is achieved.

(3) An electric bicycle is a Class III electric bicycle if the motor provides assistance only when the person is pedaling and ceases to provide assistance when a speed of 28 miles per hour is achieved.  
(SDCL § 32-20B-9)

(B) *Label to be affixed to electric bicycle by manufacturer or distributor; modification; violation as misdemeanor.*

(1) Beginning January 1, 2020, any person who manufactures or distributes an electric bicycle in this state shall permanently affix to the electric bicycle a label that contains the following information:

- (a) The designated class of the electric bicycle;
- (b) The maximum assisted speed of the electric bicycle; and
- (c) The wattage of the electric bicycle's motor.

(2) If a person makes a modification to the electric bicycle that affects the bicycle's maximum speed, or manner of propulsion, the person shall amend the label required by this section to accurately reflect the required information.

(3) Any person who violates this section is guilty of a Class 2 misdemeanor.  
(SDCL § 32-20B-10)

(C) *Electric bicycle equipment requirements.* An electric bicycle shall be equipped so that the electric motor is disengaged or ceases to function when the person stops pedaling or when the brakes are applied. (SDCL § 32-20B-11)

(D) *Designated areas of operation of electric bicycles.*

(1) Unless otherwise prohibited by the municipality, a person may operate a Class I or Class II electric bicycle on any bicycle path or multi-use path in the municipality.

(2) A person may not operate a Class III electric bicycle on a bicycle path or multi-use path in this municipality unless:

(a) The bicycle path or multi-use path is within or adjacent to a highway or roadway; or

(b) The governmental entity having jurisdiction over the bicycle path or multi-use path expressly permits the use.

(3) A person may operate a Class III electric bicycle on a trail that has been designated as nonmotorized, if the trail was constructed only by clearing or grading the native soil and without the installation or placement of any additional surface material and if the governmental entity having jurisdiction over the trail has not otherwise prohibited or restricted the operation. (SDCL § 32-20B-12)

(E) *Age restrictions for Class III electric bicycle.* To operate a Class III electric bicycle in the municipality, a person shall be at least 16 years of age. This section does not prohibit a person younger than 16 years of age from riding as a passenger on a Class III electric bicycle, if the bicycle is designed to accommodate a passenger. (SDCL § 32-20B-13)

(F) *Helmet requirement for Class III electric bicycle.* Any person who is less than 18 years of age and operating a Class III electric bicycle and any person who is a passenger on a Class III electric bicycle, regardless of age, shall wear a properly fitted and fastened bicycle helmet. (SDCL § 32-20B-14)

(G) *Speedometer requirement for Class III electric bicycle.* Any person operating a Class III electric bicycle shall ensure that the bicycle is equipped with a functioning speedometer. (SDCL § 32-20B-15) Penalty, see § 70.99