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## 32-20-1. Definition of terms.

Terms used in this chapter mean:

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

**Source:** SL 1967, ch 215, § 1; SL 1978, ch 230, § 1; SL 1985, ch 238, § 7; SL 1987, ch 231, § 1; SL 1988, ch 236, § 25; SL 2003, ch 272 (Ex. Ord. 03-1), § 23; SL 2019, ch 135, § 14.

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## **32-20-2. Driver license or permit required to operate motorcycle, moped, all-terrain vehicle, or three-wheel vehicle--Testing requirements--Violation as misdemeanor.**

No person may operate a motorcycle, except a moped as defined in § 32-20-1, a licensed all-terrain vehicle under § 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 § 32-20-14. A violation of this section is a Class 2 misdemeanor.

**Source:** SL 1967, ch 215, § 2; SL 1978, ch 230, § 2; SL 1982, ch 18, § 26; SL 1987, ch 233, § 3; SL 1989, ch 255, § 92; SL 1989, ch 270, § 2; SL 1995, ch 178, § 3; SL 2017, ch 140, § 1.

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## **32-20-4. Protective helmet required for minor--Violation as misdemeanor.**

No person under eighteen years of age may operate or ride upon a motorcycle on the public streets or highways of this state unless the person wears a protective helmet of a type meeting Department of Transportation Motor Vehicle Safety Standard 218 as in effect on January 1, 1984. No person may operate a motorcycle with any person under the age of eighteen as a passenger if the passenger is not wearing a protective helmet. A violation of this section is a Class 2 misdemeanor.

**Source:** SL 1967, ch 215, § 4; SL 1970, ch 176, § 2; SL 1974, ch 219, § 23; SL 1976, ch 194, § 1; SL 1978, ch 230, § 9; SL 1980, ch 224; SL 1984, ch 228, § 8; SL 1987, ch 231, § 2; SL 1989, ch 255, § 93.

## **32-20-4.1. Eye protective device or windscreen required--Violation as petty offense.**

No person may operate a motorcycle unless he is wearing an eye protective device or unless the motorcycle is equipped with a windscreen of sufficient height and design so as to provide adequate eye protection to the operator when seated on the motorcycle in the normal operating position. However, no person may operate a motorcycle during the time period when headlights must be lighted while wearing an eye protective device that is tinted or shaded to reduce the light transmittance of the device to a level below thirty-five percent. A violation of this section is a petty offense.

**Source:** SL 1970, ch 176, § 3; SL 1984, ch 228, § 9; SL 1989, ch 255, § 105; SL 1989, ch 256, § 16; SL 1990, ch 255.

## **32-20-4.2. Protective devices not required of riders in enclosed cab.**

Section 32-20-4, requiring helmets, and § 32-20-4.1 shall not apply to persons riding within an enclosed cab.

**Source:** SL 1970, ch 176, § 3.

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