

## DEFINITIONS-Scooter Law

**32-14-1 VEHICLE** *Every device in, upon, or by which any person or property is or may be transported or drawn upon a public roadway, except devices moved by human power or used exclusively upon stationary rails or tracks. A “motor vehicle” is every vehicle, as herein defined, which is self-propelled.*

**32-20-1 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.*

**32-20-1 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.*

A motor scooter, whether electric or gas powered, is a **vehicle** as defined because it is capable of transporting a person on public roadways. A motor scooter is also a **motor vehicle** because it is “self-propelled”. A motor scooter is propelled by a gas motor or an electric motor powered by the battery pack on the vehicle, and is thus self-propelled. The fact that some scooters are operated while standing or sitting is irrelevant.

All motor scooters of two or three wheels come under the definition of a motorcycle, or under the sub-classification of a moped. Whether a motor scooter falls within the moped sub-classification is a factual determination under the definition.

Regardless of what your motor scooter qualifies as, it must comply with all of the appropriate safety and licensing requirements of South Dakota law and Federal law when operated on a public roadway. Vehicle safety requirements include, but are not limited to: mirror, brakes, headlamps, rear lamps, brake lights, and horn. Owners and/or operators must meet drivers license, registration, and insurance requirements as well.

### ***Important Note:***

**Most electric scooter manufacturers do not attempt to meet Federal highway safety standards. They choose instead to disclose this noncompliance in the owner’s manual and associated literature provided to the owner at the time of purchase. The literature usually directs the purchaser to review state and local law before operating the scooter, and warns that the scooter was not designed for and should not be operated on public streets, roads, or highways. It appears that most motor scooters do not comply with the appropriate safety regulations and thus cannot be operated on the public roadways of this state.**

In the event that your motor scooter meets all safety requirements and is properly equipped for roadway use, the following laws will apply:

**32-20-2 DRIVERS LICENSE** All motor scooter operators must have a valid South Dakota car / truck (Class 1) driver’s license when operating on a public roadway. A motorcycle endorsement is required if the motor scooter qualifies as a motorcycle, but is not required if the motor scooter qualifies as a moped.

**32-20-4 HELMETS** No person under 18 years of age may operate or ride upon a motor scooter on the public streets or highways of this state unless the person wears a protective helmet. No person may operate a motor scooter with any person under the age of 18 as a passenger if the passenger is not wearing a protective helmet.

**32-20-4.1 EYE PROTECTION** No person may operate a motor scooter unless he is wearing an eye protective device or unless the motor scooter is equipped with a windscreen of sufficient height and design so as to provide adequate eye protection to the operator when seated in the normal operating position.

**32-32-113 INSURANCE** Every driver or owner of a motor vehicle driven on public roadways shall at all times maintain in force a form of financial responsibility, i.e, liability insurance. A proof of liability insurance card must be carried on the motor scooter at all times.

**32-26-21.1 SIDEWALK OPERATION** State law prohibits use of vehicles on sidewalks. This excludes personal assistive devices such as wheelchairs. Many municipalities further regulate use of vehicles on sidewalks.

**REGISTRATION** Scooters officially classified as mopeds are exempt from registration and title requirements. If engine size exceeds 50 cubic centimeters, the scooter may be licensed as a motorcycle if all safety and equipment requirements are met. Rarely will a scooter ever qualify for registration and licensing as a motorcycle.

**ENFORCEMENT** A law enforcement officer observing an electric motor scooter being used on the public highways should determine whether the vehicle complies with all of the safety regulations found under state and federal law. If the vehicle does not comply with the required safety standards, the vehicle is not legal to be operated on the public highways of this state. Furthermore, the owner or operator at such time is subject to fines or penalties for noncompliance.

**All basic rules of the road must be followed when operating on public roadways (speed limits, traffic signs, safe driving, etc.) Failing to meet the required specifications, or operating your scooter in an unlawful manner can result in fines and/or loss of driving privileges.**

**Regulations and operating laws do not apply when scooter is being operated on private property.**