

23-4-1. Emergency vehicle defined. As used in this chapter, the term "emergency vehicle" shall mean:

- (1) Any motor vehicle used by law enforcement officers or employees of any municipality, county, the State of South Dakota, federal law enforcement agencies, or armed forces of the United States while on official business;
- (2) Any fire department vehicle of any municipality or county of the State of South Dakota or any state fire marshal's vehicle;
- (3) Any motor vehicle designated as an emergency vehicle by the attorney general of the State of South Dakota when said vehicle is to be assigned the use of frequencies assigned to the State of South Dakota;
- (4) Any motor vehicle designated as an emergency vehicle by the sheriff of any county in South Dakota, when said vehicle is assigned the use of frequencies assigned to said county;
- (5) Any motor vehicle designated as an emergency vehicle by the chief of police of any municipality in South Dakota when said vehicle is to be assigned the use of frequencies assigned to said municipality.

Source: SL 1965, ch 233, § 1; SL 1992, ch 60, § 2.

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32-31-4. Speed limits inapplicable under specified conditions. The speed limit set out in §§ 32-25-1.1 to 32-25-17, inclusive, does not apply to any authorized emergency vehicle responding to an emergency call if the driver sounds an audible siren or air horn or both and displays flashing, oscillating, or rotating beams of red light or combinations of red, blue, or white light visible one hundred eighty degrees to the front of the vehicle. The lights shall be capable of warning the public of the presence of an emergency vehicle under normal atmospheric conditions. The speed limit set out in §§ 32-25-1.1 to 32-25-17, inclusive, does not apply to authorized emergency vehicles operated by law enforcement officers who are measuring the speed of other vehicles by use of the emergency vehicle speedometer. Moreover, the driver of an ambulance who has been certified pursuant to § 34-11-6 may operate the emergency vehicle in excess of the speed limit without audible signals while operating outside the city limits of a municipality.

Source: SDC 1939, § 44.0308; SL 1941, ch 187, § 3; SL 1955, ch 168; SL 1959, ch 251, § 1; SDC Supp 1960, § 44.0303; SL 1963, ch 254; SL 1975, ch 210, § 1; SL 1981, ch 248; SL 1988, ch 266; SL 1993, ch 234, § 2; SL 1994, ch 265.

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32-31-1. Circumstances under which emergency vehicle may disregard traffic regulations. The driver of an authorized emergency vehicle, when responding to an emergency call or when in the pursuit of an actual or suspected violator of the law or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in § 32-31-2, but subject to the conditions stated in §§ 32-31-3 and 32-31-5.

Source: SDC 1939, § 44.0308 as added by SL 1967, ch 191.

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32-31-2. Particular regulations which may be disregarded. The driver of an authorized emergency vehicle may:

- (1) Park or stand, irrespective of the provisions of chapter 32-30;
- (2) Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;
- (3) Disregard regulations governing direction of movement or turning in specified directions.

Source: SDC 1939, § 44.0308 as added by SL 1967, ch 191.

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32-31-3. Use of emergency signals required. The exemptions granted in subdivisions 32-31- 2(2) and (3) to an authorized emergency vehicle apply only if the vehicle is making use of audible and visual signals meeting the requirements of law. However, the exemption granted in subdivision 32-31-2(1) to an authorized emergency vehicle applies only if the vehicle is making use of visual signals meeting the requirements of law.

Source: SDC 1939, § 44.0308 as added by SL 1967, ch 191; SL 1989, ch 256, § 35.

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Source: SDC 1939, § 44.0308 as added by SL 1967, ch 191; SL 1989, ch 256, § 35.

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32-31-5. Duty of operator to use care--Liability for recklessness. The provisions of this chapter shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of his reckless disregard for the safety of others.

Source: SDC 1939, § 44.0320 as added by SL 1959, ch 252, § 1; SL 1963, ch 254; SL 1967, ch 191.

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32-31-6. Duty of other motorists upon approach of emergency vehicle--Violation as misdemeanor. Upon the immediate approach of an authorized emergency vehicle making use of audible and visual signals meeting the requirements of this chapter, or of a police vehicle properly and lawfully making use of an audible signal only, the driver of every other vehicle shall immediately drive to a position as near as possible and parallel to the right-hand edge or curb of the highway, or in case of a one-way highway the nearest edge or curb, clear of any intersection of highways, and shall stop and remain in such position unless otherwise directed by a police or traffic officer until the authorized emergency vehicle shall have passed. A violation of this section is a Class 2 misdemeanor.

Source: SDC 1939, § 44.0320; SL 1959, ch 252, § 1; SL 1989, ch 255, § 214.

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32-31-6.1. Stop required upon approaching stopped emergency vehicle using red signals-- Requirements for approaching vehicles using amber or yellow signals--Violation as misdemeanor. Upon approaching from any direction any stopped authorized emergency vehicle making use of red visual signals meeting the requirements of this title, the driver of every other vehicle shall come to a complete stop before reaching the stopped emergency vehicle and may, unless otherwise directed, proceed with caution only after ascertaining that it is safe to do so, and upon approaching from any direction any stopped vehicle making use of amber or yellow warning lights, the driver of every other vehicle shall:

(1) If driving on an interstate highway or other highway with two or more lanes traveling in the same direction as the vehicle, merge into the lane farthest from the vehicle and proceed with caution, unless otherwise directed; or

(2) If driving on a two lane highway, slow to a speed that is at least twenty miles per hour less than the posted speed limit or five miles per hour when the speed limit is posted at twenty miles per hour or less and proceed with caution, unless otherwise directed.

A violation of this section is a Class 2 misdemeanor.

Source: SL 1975, ch 210, § 2; SL 1989, ch 255, § 215; SL 2003, ch 173, § 1.

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32-31-7. Following fire apparatus as misdemeanor--Minimum following or parking distance. It is a Class 2 misdemeanor 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 five hundred feet or to drive into or park such vehicle within the block where the fire apparatus has stopped in answer to a fire alarm.

Source: SDC 1939, § 44.0320; SL 1959, ch 252, § 1; SL 1978, ch 158, § 60.

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32-26-15. Yielding right-of-way to emergency vehicles--Duty of driver of emergency vehicle not to exercise right-of-way arbitrarily--Violation as misdemeanor. 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. 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. A violation of this section is a Class 2 misdemeanor.

Source: SDC 1939, § 44.0319; SL 1945, ch 189; SL 1989, ch 255, § 152.

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

- (1) "Alcoholic beverage," as that term is defined by subdivision 35-1-1(1);
- (2) "Authorized emergency vehicle," a vehicle of a fire department, a police vehicle, and an ambulance and emergency vehicle of a municipal department or public service corporation that is designated or authorized by the department;
- (3) "Automobile transporter," a vehicle combination designed or modified to be used specifically for the transport of assembled highway vehicles;
- (4) "Boat transporter," a vehicle combination designed or modified to be used specifically for the transport of assembled or partially disassembled boats and boat hulls;
- (5) "Business district," the territory contiguous to a highway when fifty percent or more of the frontage thereon for a distance of three hundred feet or more is occupied by buildings in use for business;
- (6) "Commission," the Public Utilities Commission;
- (7) "Controlled drug or substance," as that term is defined in § 34-20B-3;
- (8) "Crosswalk," that part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs or, in the absence of curbs, from the edges of the traversable roadway; or any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface;
- (9) "Department," the Department of Public Safety of this state acting directly or through its duly authorized officers and agents;
- (10) "Farm tractor," a motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines, and other implements of husbandry;
- (11) "Highway," the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public as a matter of right for purposes of vehicular travel;
- (12) "Intersection," the area embraced within the prolongation of the lateral curb lines or, if none, then of the lateral boundary lines of two or more highways which join one another at an angle, whether or not one such highway crosses the other. However, such area, in the case of the point where an alley and a street meet within a municipality, is not an intersection;
- (13) "Law enforcement officer," as that term is defined in § 23-3-27;
- (14) "Local authorities," a county, municipal, township, road district, and other local board or body having authority to adopt local police regulations under the Constitution and laws of this state;
- (15) "Metal tires," a tire the surface of which in contact with the highway is wholly or partly of metal or other hard, nonresilient material;
- (16) "Motorcycle," a motor vehicle designed to travel on not more than three wheels in contact with the ground, except any vehicle as may be included within the term, tractor, as herein defined;
- (17) "Motor vehicle," a vehicle, as herein defined, which is self-propelled;
- (18) "Official traffic control device," a sign, signal, marking, and device not inconsistent with the law placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning, or guiding traffic. The term also includes a flagman or a sign, signal, marking, or

other device temporarily placed or erected by a person working upon, along, above, or under a highway installing or maintaining a public service facility and which is necessary or required to warn, direct, or otherwise control traffic during the time of work or when a hazard exists;

(19) "Owner," a person who holds the legal title of a vehicle or in the event a vehicle is the

subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled to possession, then the conditional vendee or lessee or mortgagor is the owner for the purpose of said chapters;

(20) "Park or parking," the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers;

(21) "Pneumatic tire," a tire inflated with compressed air;

(22) "Private road or driveway," a road or driveway not open to the use of the public for purposes of vehicular travel;

(23) "Recreation vehicle," a self-propelled or towed vehicle equipped to serve as temporary living quarters for recreational, camping, or travel purposes and used solely as a family or personal conveyance and in no way used for a commercial purpose;

(24) "Residence district," the territory contiguous to a highway not comprising a business district when the frontage on the highway for a distance of three hundred feet or more is mainly occupied by dwellings or by dwellings and buildings in use for business;

(25) "Right-of-way," the right of one vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian approaching under such circumstances of direction, speed, and proximity as to give rise to danger of collision unless one grants precedence to the other;

(26) "Road tractor," a motor vehicle designed and used for drawing other vehicles and not so constructed as to carry any load thereon either independently or any part of the weight of a vehicle or load so drawn;

(27) "Roadway," that portion of a highway improved, designed, or ordinarily used for vehicular travel, exclusive of the berm or shoulder. If a highway includes two or more separate roadways, the term, roadway, refers to any such roadway separately but not to all such roadways collectively;

(28) "Safety zone," the area or space officially set aside within a highway for the exclusive use of pedestrians and which is so plainly marked or indicated by proper signs as to be plainly visible at all times while set apart as a safety zone;

(29) "Semitrailer," any vehicle of the trailer type equipped with a kingpin assembly, designed and used in conjunction with a fifth wheel connecting device on a motor vehicle and constructed so that some part of its weight and that of its load rests upon or is carried by another vehicle;

(30) "Sidewalk," that portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines intended for use of pedestrians;

(31) "Single axle" or "one axle," one or more consecutive axles whose centers may be included between two transverse vertical planes spaced forty inches or less apart, extending across the full width of the vehicle;

(32) "Solid rubber tire," a tire made of rubber other than a pneumatic tire;

(33) "Steering axle," any axle on the front of a motor vehicle that is activated by the operator to directly accomplish guidance or steering of the motor vehicle or combination of vehicles;

(34) "Stinger-steered transporter combination," a truck tractor semitrailer combination with a fifth wheel located on a drop frame which is located behind and below the rearmost axle of the power unit;

(35) "Tandem axle," two or more consecutive axles whose centers may be included between parallel transverse vertical planes spaced more than forty inches and not more than ninety- six inches apart, extending across the full width of the vehicle;

(36) "Trailer," a vehicle without motive power designed for carrying property or passengers on its own structure and for being drawn by a motor vehicle;

(37) "Truck tractor," a motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn;

(38) "Urban district," the territory contiguous to and including any street which is built up with structures devoted to business, industry, or dwelling houses situated at intervals of less than one hundred feet for a distance of a quarter of a mile or more; and

(39) "Vehicle," a device in, upon, or by which any person or property is or may be transported or drawn upon a public highway, except devices moved by human power or used exclusively upon stationary rails or tracks; including bicycles and ridden animals.

Source: SDC 1939, § 44.0301; SL 1959, ch 250; SL 1967, ch 190; SL 1970, ch 175, §§ 2, 3; SL 1973, ch 195, §§ 1, 2; SL 1975, ch 205; SL 1988, ch 256; SL 1989, ch 256, §§ 9, 11; SL 1990, ch 257, § 4; SL 1996, ch 202, § 1; SL 1999, ch 151, § 4; SL 2004, ch 17, § 136; SL 2005, ch 169, § 3.

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