

CHAPTER 71: DRIVING REGULATIONS

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GENERAL PROVISIONS

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§ 71.01 RESTRICTED MINOR'S PERMIT.

No person under the age of 16 years shall operate or drive motor vehicles upon the streets unless they have a restricted minor's permit. Any person with a restricted minor's permit shall not drive between the hours of 8:00 p.m. and 6:00 a.m. unless the minor's parent or guardian is occupying a seat beside the minor in the vehicle.

(Prior Code, § 10.04.190) Penalty, see § 70.99

§ 71.02 DRIVING OR OPERATING A MOTOR VEHICLE WITHOUT A PERMIT.

No person who is a resident of the state shall drive or operate a motor vehicle upon the streets of the city without first having secured and having in present, physical possession a permit as required by SDCL § 32-12-22.

(Prior Code, § 10.04.200) Penalty, see § 70.99

§ 71.03 SIGNALING INTENTION TO TURN, STOP OR DECREASE SPEED.

(A) The driver of a vehicle shall give timely warning by signaling with the hand or mechanical directional signal device indicating the intention to slow up, turn or stop, which signal must be plainly visible from the rear and front of such vehicle.

(B) Whenever the signal is given by means of the hand and arm, the driver shall indicate his or her intention by extending the hand and arm from the left side of the vehicle in the following manner; and such signals shall be indicated as follows:

(1) *Left turn.* Hand and arm extended horizontally;

(2) *Right turn.* Hand and arm extended upward; and

(3) *Stop or decrease speed.* Hand and arm extended downward.

(Prior Code, § 10.04.210) Penalty, see § 70.99

§ 71.04 RESTRICTED LEFT TURNS.

The driver or operator of any vehicle shall not make a left hand turn at the intersection of one street with another when there is erected or placed at such intersection a signal or sign, or stationed at such intersection a police officer, indicating that no left hand turn shall be made. The Department may designate the intersections at which and the time during which left hand turns shall not be made and cause to be erected or placed a signal or sign or station a police officer to indicate that no left hand turn shall be made.

(Prior Code, § 10.04.220) Penalty, see § 70.99

§ 71.05 "U" TURNS AND TRAVELING ON LEFT SIDE.

No vehicle shall cross over from the right side of the street to the left side of the street or make a complete turn around or turn of 180 degrees upon any street except on the intersection of one street with another. No vehicle shall be permitted to make a complete turn around or turn of 180 degrees at the intersection with other streets where official traffic signs indicate such is prohibited or stop and go signals are erected and placed or may hereafter be erected or placed.

(Prior Code, § 10.04.230) Penalty, see § 70.99

§ 71.06 TURNING AT INTERSECTIONS.

The driver of any vehicle, intending to turn to the right at an intersection shall approach the intersection in the lane for traffic nearest to the right hand side of the street, and turning shall keep as closely as practicable to the right hand curb or edge of the street; and when intending to turn to the left shall approach the intersection in the lane for traffic to the right of and nearest to the centerline of the street and in turning shall pass to the left of the center of the intersection passing as closely as practicable to the right thereof so as to complete the turn so that such vehicle shall pass into such cross street in the lane of traffic to the right of the center of the cross street at the intersection of such streets. For the purpose of this section, the *CENTER OF THE INTERSECTION* shall mean the meeting point of the medial lines of the streets intersecting one another.

(Prior Code, § 10.04.240) Penalty, see § 70.99

§ 71.07 KEEP TO THE RIGHT.

The driver of any vehicle shall keep to the right of the centerline of the street along which he or she is driving. The driver of a slowly moving vehicle shall keep as near the right hand curb as possible.

(Prior Code, § 10.04.250) Penalty, see § 70.99

§ 71.08 OVERTAKING AND PASSING.

(A) The operator of any vehicle overtaking another vehicle proceeding in the same direction shall pass at a safe distance to the left thereof, but only when such left side is clearly visible and is free from oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be made in safety and shall not cut in front of the overtaken vehicle until safely clear of same.

(B) The driver of a vehicle within a business or residence district shall not deviate from his or her direct line of travel without ascertaining that such movement can be made with safety to other vehicles approaching from the front and rear.

(C) The driver of a vehicle shall not overtake and pass another vehicle upon the crest of a grade, at any railway grade or crossing, at any intersection of highways or streets, upon a curve in the highway where the driver's view along the highway is obstructed for 500 feet, or upon any street in a "no passing" zone indicated either by regulatory signs adjacent to the street or by pavement markings with a yellow line to the right of the centerline. (Prior Code, § 10.04.260) Penalty, see § 70.99

§ 71.09 BACKING.

No vehicle shall be moved backward for a greater distance on any street or alley than is necessary to turn or move away from the curb and ample warning shall be given to avoid injury to other traffic. No vehicle shall be backed around a corner at an intersection, or into an intersection of public streets. No vehicle shall be backed without ample warning first having been given, and while backing, care must be exercised not to injure persons or vehicles or to block traffic. (Prior Code, § 10.04.270) Penalty, see § 70.99

§ 71.10 OVERTAKEN VEHICLE; SLOW DRIVING.

The operator of a vehicle upon a street, about to be overtaken and passed by another vehicle approaching from the rear, 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 shall not increase the speed of his

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or her vehicle until completely passed by the overtaking vehicle. No person shall drive any vehicle or motor vehicle at an unnecessarily slow rate of speed so as to hinder and retard traffic.(Prior Code, § 10.04.280) Penalty, see § 70.99

§ 71.11 PROCEEDING WITHOUT SAFE PASSAGE.

A standing vehicle about to start shall give moving vehicles the right-of-way and the driver thereof shall give ample warning before so starting.(Prior Code, § 10.04.290) Penalty, see § 70.99

§ 71.12 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 herein. The driver of any vehicle traveling at an unlawful speed shall forfeit any right-of-way which he or she might otherwise have hereunder.

(B) The driver of a vehicle approaching but not having entered the intersection shall yield the right-of-way to a vehicle within such intersection and turning to the left across the line of travel of such first mentioned vehicle, provided the driver of the vehicle turning left has given a plainly visible signal of intention to turn as required by law.

(C) The driver of any vehicle upon a street within a business or residence district shall yield the right-of-way to a pedestrian crossing such street within any clearly marked crosswalk or any regular pedestrian crossing included in the prolongation of the lateral boundary lines of the adjacent sidewalk at the end of a block, except at intersections where the movement of traffic is being regulated by traffic officers or traffic direction devices. At intersections where traffic is controlled by traffic control signals or police officers, driver of vehicles, including those making turns, shall yield the right-of-way to pedestrians crossing or those who have started to cross the roadway on a "green" or "go" signal, and in all other cases pedestrians shall yield the right-of-way to vehicles lawfully proceeding directly ahead on a "green" or "go" signal. Every pedestrian crossing a street within a business or residence district at any point other than a pedestrian crossing, crosswalk or intersection shall yield the right-of-way to vehicles upon the street. (Prior Code, § 10.04.300) Penalty, see § 70.99

§ 71.13 EXCEPTIONS TO RIGHT-OF-WAY RULE.

(A) The driver of a vehicle entering a public street from an alley, private road or driveway shall yield the right-of-way to all vehicles approaching on such public street.

(B) The driver of a vehicle upon a street shall yield the right-of-way to ambulances, Police and Fire Department vehicles when operated upon official business, and the drivers of any such vehicles sound audible signal by bell, siren or exhaust whistle. The operator of every other vehicle shall immediately drive his or her vehicle as near as possible and parallel to the right hand curb of the street clear of any intersection, and shall stop and remain in such position until such emergency vehicle shall have passed, unless otherwise directed by a police officer.

(C) These provisions shall not operate to 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 or street nor shall it protect the driver of any such vehicle from the consequence of an arbitrary exercise of such right-of-way.

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(D) Street maintainers in the performance of their duties of maintaining the streets shall have the preference of right-of-way, and shall be permitted to drive upon the left hand side of the streets for the purpose of dumping materials, for repairing or smoothing the roadway, or for cleaning streets and removing snow. Such maintainers shall, at all times, display a red flag or other emblem of such dimensions and in such manner as prescribed by the State Highway Commission to indicate his or her identity. Such maintainer shall not be bound by the rules herein provided to turn to the right when meeting other vehicles or allowing them to pass when his or her work requires him or her to remain on the other side of the traveled portion of the street. Such maintainer shall be subject to the rules of travel as provided by law, except when the performance of their maintenance work requires them to do otherwise. (Prior Code, § 10.04.310)

§ 71.14 EMERGING FROM ALLEY OR DRIVEWAY; STOP BEFORE ENTERING.

(A) The operator of a vehicle emerging from an alley, private driveway or building into a street, or entering a through street shall stop such vehicle immediately prior to driving onto a crosswalk or crosswalk area extending across such an approach.

(B) Every vehicle driven from an alley into a street within the business district shall go straight across the street or shall turn to the right on coming out of such alley and go in the direction of traffic on such street.

(Prior Code, § 10.04.320) Penalty, see § 70.99

§ 71.15 TRAFFIC CONTROL SIGNAL LEGEND.

(A) *Green means go.* Vehicular traffic facing a green signal may proceed straight through or may turn right or left if the traffic control signal is at an intersection, unless such turns at such place are otherwise prohibited.

(B) *Yellow or amber when shown with or following the green signal.* However, yellow or amber when shown with or following the green signal mean caution. Vehicular traffic facing the yellow or amber signal shall stop before entering the nearest crosswalk except that if such stop cannot be made in safety a vehicle may be driven cautiously through the roadway, intersection or crosswalk controlled by the signal. Pedestrians facing the yellow or amber signal are thereby advised that there is not enough time to cross the roadway and shall remain on the curb line and not proceed across the roadway controlled by the signal until the next green signal appears.

(C) *Red means stop.* Vehicular traffic facing the red signal shall stop before entering the nearest crosswalk at an intersection or at a limit line when marked and shall remain standing and shall not enter the intersection or roadway to the front until the green signal is shown. Pedestrians facing the red signal shall not proceed across the roadway to the front until the next green signal appears.

(D) *A flashing red signal means stop.* Vehicular traffic facing the flashing red signal shall first stop before entering the nearest crosswalk at an intersection or at a limit line when marked and may then proceed with caution and with regard to the rules of right-of-way.

(E) *Flashing yellow or amber signal.* A flashing yellow or amber signal means caution. Vehicular traffic facing the yellow or amber flashing signal may proceed through the intersection or pass such signal only with caution.

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(Prior Code, § 10.04.330) Penalty, see § 70.99

§ 71.16 YIELD SIGNS.

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 and yield the right-of-way to any pedestrian legally crossing the roadway or to any vehicle in the intersection or approaching on another highway so closely so as to constitute an immediate hazard. If the driver is involved in a collision with a pedestrian in a crosswalk or a vehicle entered 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.

(Prior Code, § 10.04.340) Penalty, see § 70.99

§ 71.17 RAILROAD SIGNALS.

Whenever any person driving a vehicle approaches a highway or street railway crossing and a clearly visible and positive signal gives warning of the immediate approach of a railway train or car or locomotive, it is unlawful for the driver of the vehicle to fail to bring the vehicle to a complete stop before traversing such grade crossing and it shall be the duty of the driver of such vehicle to follow and obey the direction of the signal.

(Prior Code, § 10.04.350) Penalty, see § 70.99

§ 71.18 CROSSING SIDEWALK.

(A) *Manner of crossing.* A vehicle shall not be allowed to cross a sidewalk except where a driveway is provided, and in crossing a sidewalk to or from an alley, a lot or building, no vehicle shall be driven at a speed greater than four mph.

(B) *Warning before crossing sidewalks.* Every person driving any vehicle to or from an alley, lot or building, across any sidewalk shall give ample notice and warning of his or her approach.

(Prior Code, § 10.04.360) Penalty, see § 70.99

§ 71.19 UNNECESSARY DRIVING ADJACENT TO SCHOOL PROPERTY.

No person shall drive or operate a motor vehicle so as to cause or create unnecessary traffic on streets or alleys adjacent to school property and school buildings in the city, or so as to splash or throw water, snow, mud or dirt on any person on any school property or in the vicinity of any school property in the city.

(Prior Code, § 10.04.370) Penalty, see § 70.99

§ 71.20 COASTER, ROLLER SKATES AND SIMILAR DEVICES.

No person on roller skates, or riding in or by means of any coaster or toy vehicle or similar device shall go upon any roadway except while crossing a street or crosswalk.

(Prior Code, § 10.04.380) Penalty, see § 70.99

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§ 71.21 CLINGING TO A MOVING VEHICLE.

No person traveling upon any bicycle, coaster, sled, skis, roller skates or any other toy vehicle shall cling to or attach himself or herself or his or her vehicle to any other moving vehicle upon any street. (Prior Code, § 10.04.390) Penalty, see § 70.99

§ 71.22 RIDING ON OUTSIDE PROHIBITED.

No person shall ride in or upon any motor vehicle by hanging onto the same, standing on the running board or otherwise, except by sitting in the seats provided for passengers in such vehicle. (Prior Code, § 10.04.400) Penalty, see § 70.99

§ 71.23 PARADES AND PROCESSIONS.

(A) *Parades; permit required.*

(1) No parade or procession other than a funeral procession shall be held or participated in upon the streets except with the prior consent in writing of the Chief of Police, obtained upon application filed with the Department setting forth the time of, route of, approximate number of persons and vehicles to participate in, and name and character of the group or organization sponsoring such parade or procession.

(2) The consent of the Chief of Police to the holding of such parade or procession shall be given unless it reasonably appears that the holding of the same as set out in the application would unreasonably obstruct and impede traffic or would be likely to disturb the peace and quiet of the city.

(B) *Driving through procession prohibited.* No driver of any vehicle 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 the driver of any vehicle to stop when reaching a street on which such a procession is passing and wait until the procession has entirely passed before proceeding. (Prior Code, § 10.04.410) Penalty, see § 70.99

§ 71.24 FUNERAL PROCESSIONS; OPERATION OF VEHICLES.

It is unlawful for any person to operate a vehicle in or as part of any funeral procession without having the vehicle distinguished by illuminated headlights. The driver of every such vehicle shall keep as near the right hand edge of the roadway as practicable and following the vehicle ahead as closely as practicable and safe. (Prior Code, § 10.04.420) Penalty, see § 70.99

§ 71.25 FUNERAL PROCESSIONS; STOPS.

The operator of the vehicle in the lead of any funeral procession entering upon any street intersection where a full stop is required by this title shall bring the vehicle to a full stop and yield the right-of-way to vehicles on the intersected street, and where the other vehicles composing the procession are properly distinguished by illuminated headlights, they may follow the vehicle in the lead through the intersection without stopping, subject, however, to direction of any police officers stationed at the intersection. (Prior Code, § 10.04.430) Penalty, see § 70.99

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§ 71.26 CARELESS DRIVING.

Any person who drives a vehicle within the limits of the city carelessly in disregard to the width, grade, curves, corners, condition or customary usage of the streets or highways, or whose temporary inadvertence to the operation of such vehicle causes or is likely to cause damage to any person or property shall be guilty of careless driving.

(Prior Code, § 10.04.440) Penalty, see § 70.99

§ 71.27 RECKLESS DRIVING.

Any person who drives any vehicle upon a street, alley or highway of this city 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, shall be guilty of reckless driving.

(Prior Code, § 10.04.450) Penalty, see § 70.99

§ 71.28 EXHIBITION DRIVING.

Any person, firm or corporation driving or operating a vehicle within the limits of the city in such a manner that creates or causes unnecessary engine noise or tire squeal, skid or slide upon acceleration or stopping; or that causes the vehicle to unnecessarily turn abruptly or sway, shall be guilty of exhibition driving.

(Prior Code, § 10.04.460) Penalty, see § 70.99

§ 71.29 TRACTOR WITH LUGS.

It is unlawful for any person to pirate or move any tractor or other motor vehicle which is equipped with any kind of lug upon or across any street within the city, without first laying plank of at least two inches in thickness over the surface of such street in such a manner so as to protect such street from contact with such vehicle.

(Prior Code, § 10.04.470) Penalty, see § 70.99

§ 71.30 ONE-WAY STREETS AUTHORIZED.

The Police Department is authorized to designate one-way traffic upon any of the streets within the city.

(Prior Code, § 10.04.480)

§ 71.31 SPEED LIMITS DESIGNATED.

(A) Any person driving a vehicle upon any street or alley shall drive same at a careful and prudent speed not greater than is reasonable and proper, having due regard to the traffic, surface and width of the street or alley, and any other conditions then existing and no person shall drive any vehicle upon a street

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or alley in the city at such a speed as to endanger the life, limb or property of any person.

(B) Unless a different speed is fixed and duly posted subject to the provisions of this section, it shall be prima facie lawful for the driver of a vehicle to drive the same at a speed not exceeding the following:

(1) Fifteen mph when approaching within 50 feet of a grade crossing at any railway when the driver's view is obstructed. A driver's view shall be deemed to be obstructed when at any time during the last 200 feet of his or her approach to such railway crossing he or she does not have a clear and uninterrupted view of such intersection and of any traffic on such railway for a distance of 400 feet in each direction from such crossing;

(2) Fifteen mph when passing a school during school recess or while children are going to or leaving school during opening or closing hours, or when children are present on school grounds;

(3) Fifteen mph when approaching within 50 feet and in traversing an intersection of highways when the driver's view is obstructed. A driver's view shall be deemed to be obstructed when at any time during the last 50 feet of his or her approach to such intersection he or she does not have a clear and uninterrupted view of such intersection and of the traffic upon all of the highways entering such intersection for a distance of 200 feet from such intersection;

(4) Fifteen mph in traversing or going around curves or traversing a grade upon a highway when the driver's view is obstructed within a distance of 100 feet along such highway in the direction in which he or she is proceeding;

(5) Twenty-five mph on any highway in a business district as hereinafter defined, when traffic on such highway is controlled at intersections by traffic officers or stop and go signals;

(6) Fifteen mph on all other highways in a business district as hereinafter defined; and

(7) Twenty-five mph in a residence district as hereinafter defined, and in public parks.

(C) For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BUSINESS DISTRICT. The territory contiguous to a highway when 50% or more of the frontage thereon for a distance of 300 feet or more is occupied by buildings in use for business.

RESIDENCE DISTRICT. The territory contiguous to a highway not comprising a business district when the frontage on such highway for a distance of 300 feet or more is mainly occupied by dwellings or by dwellings and buildings in use for business.

(Prior Code, § 10.04.490) Penalty, see § 70.99

§ 71.32 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

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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)

ACCIDENTS

§ 71.45 DUTY OF STOP IN CASE OF ACCIDENT.

The driver of any vehicle involved in an 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 registration number of his or her vehicle and exhibit his or her registration receipt to the person struck or the driver or occupant 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 for medical treatment, if it is apparent that such treatment is necessary or is requested by the injured person.

(Prior Code, § 10.04.640) Penalty, see § 70.99

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§ 71.46 DUTY UPON STRIKING UNATTENDED VEHICLE.

The driver of any vehicle which collides with any vehicle which is unattended shall immediately stop and shall then and there either locate and notify the operator or owner of such vehicle of the name and address of the driver and owner of the vehicle striking the unattended vehicle or shall leave in a conspicuous place in the vehicle struck a written notice giving the name and address of the driver and of the owner of the vehicle doing the striking, and a statement of the circumstances thereof. The driver, within 24 hours, shall notify the City Police Department of such accident.

(Prior Code, § 10.04.650) Penalty, see § 70.99

§ 71.47 DUTY TO REPORT ACCIDENTS.

The driver of any vehicle involved in an accident resulting in injuries or death to any person or property damage to an apparent extent of \$100 or more shall within 24 hours thereafter make a report of such accident to the City Police Department. The City Police Department shall forward a copy of every such report so filed with it to the State Motor Vehicle Department. If the State Motor Vehicle Department so requires, the City Police Department shall file supplemental reports of accidents upon forms furnished by the State Motor Vehicle Department. Such reports shall be without prejudice, shall be for the information of the City Police Department and shall not be open to public inspection. The fact that such reports have been made shall be admissible in evidence solely to prove a compliance with this section, but no such report or any part thereof or statement contained herein shall be admissible in evidence for any other purpose, and trial, civil or criminal, arising out of such accident.

(Prior Code, § 10.04.660) Penalty, see § 70.99

§ 71.48 GARAGE KEEPER TO REPORT DAMAGED VEHICLE.

The person in charge of any garage, repair shop or service station to which is brought any vehicle which shows evidence of having been involved in a serious accident or struck by any bullet shall report to the Department within 24 hours after such vehicle is received, giving the kind of car and license number, and if possible the name and address of the owner or operator of such vehicle.

(Prior Code, § 10.04.670) Penalty, see § 70.99