

State of South Dakota

EIGHTY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 2009

635Q0258

HOUSE BILL NO. 1125

Introduced by: Representatives Nygaard, Faehn, and Kirschman and Senators Jerstad and Peterson

1 FOR AN ACT ENTITLED, An Act to prohibit the use of certain wireless communications
2 devices while driving.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That chapter 32-24 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 For the purposes of this Act, the term, wireless communications device, means a hand-held
7 cellular phone or a portable electronic device that is capable of receiving and transmitting data,
8 including text messages and e-mail. The term does not include a device that is permanently
9 affixed to the vehicle, or a global positioning system or navigation system, if the system is used
10 exclusively for navigation purposes.

11 Section 2. That chapter 32-24 be amended by adding thereto a NEW SECTION to read as
12 follows:

13 No person may operate a motor vehicle upon a highway while the person is using a wireless
14 communications device to compose, read, or send an electronic message. A person who violates
15 this section is guilty of careless driving with a wireless communications device. Careless driving



1 with a wireless communications device is a petty offense.

2 Section 3. That chapter 32-24 be amended by adding thereto a NEW SECTION to read as

3 follows:

4 The provisions of this Act do not apply to any person operating an authorized emergency

5 vehicle as defined in § 32-14-1.