

State of South Dakota

EIGHTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2012

654T0100

SENATE BILL NO. 189

Introduced by: Senators Haverly, Adelstein, Begalka, Bradford, Brown, Buhl, Cutler, Frerichs, Fryslie, Gray, Hansen (Tom), Heineman, Holien, Hundstad, Hunhoff (Jean), Johnston, Juhnke, Kraus, Krebs, Lederman, Maher, Nelson (Tom), Novstrup (Al), Olson (Russell), Peters, Putnam, Rampelberg, Rave, Rhoden, Schlekeway, Sutton, Tidemann, Tieszen, and Vehle and Representatives Cronin, Abdallah, Blake, Brunner, Carson, Deelstra, Dennert, Dryden, Elliott, Fargen, Feickert, Feinstein, Gibson, Hansen (Jon), Hawley, Hoffman, Hunhoff (Bernie), Iron Cloud III, Jones, Killer, Kirkeby, Kirschman, Kloucek, Lucas, Lust, Moser, Novstrup (David), Rausch, Schrempp, Sigdestad, Sly, Street, Stricherz, Turbiville, Wick, Willadsen, Wink, and Wismer

1 FOR AN ACT ENTITLED, An Act to provide a designation on certain nondriver identification
2 cards, driver licenses, and permits that the card holders or licensees are honorably
3 discharged veterans.

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

5 Section 1. That § 32-12-17.10 be amended to read as follows:

6 32-12-17.10. An operator's license, motorcycle operator's license, restricted minor's permit,
7 motorcycle restricted minor's permit, instruction permit, and motorcycle instruction permit shall
8 bear a distinguishing number assigned to the licensee, the full legal name or any name lawfully
9 taken, date of birth, gender, principal residence address, an indication if the licensee is a donor
10 pursuant to chapter 34-26, an indication if the licensee has a living will pursuant to chapter 34-



1 12D or a durable power of attorney for health care pursuant to chapter 59-7, an indication if the
2 licensee is a veteran pursuant to the provisions of section 3 of this Act, a full facial digital
3 photograph, a brief description of the licensee, the licensee's signature, security features
4 designed to deter forgery and counterfeiting, to promote an adequate level of confidence in the
5 authenticity of the cards, and to facilitate detection of fraudulent cards, the issue date of the
6 license, the expiration date of the license, an indication that the license is temporary or limited
7 term if the holder has temporary lawful status in the United States, the name of this state, and
8 a security marking approved by the United States Department of Homeland Security reflecting
9 the level of compliance with 6 C.F.R. Part 37 as amended through January 1, 2009. The
10 department shall indicate upon each license the general class of vehicles that the licensee may
11 drive. The back of the license shall contain a barcode. The department shall include in the
12 barcode the name of this state, the information printed on the license, the card design revision
13 date indicating the most recent change or modification to the visible format of the card, and an
14 indicator if the license is temporary or limited term. No barcode, or other means by which
15 information may be retrieved electronically, may contain the licensee's social security number.

16 Section 2. That § 32-12-17.2 be amended to read as follows:

17 32-12-17.2. The Department of Public Safety may issue upon application a nondriver
18 identification card, similar in form but distinguishable in color from driver licenses, to any
19 resident of South Dakota. Each applicant for a nondriver identification card shall, as part of the
20 application, present to the department a certified copy of a certificate of birth or another form
21 of evidence of date of birth and identity as allowed by § 32-12-3.1. The fee for an original or
22 reissued nondriver identification card is the same as prescribed for an original driver license in
23 § 32-12-16. Each nondriver identification card expires on the holder's birthday in the fifth year
24 following the issuance of the nondriver identification card, or on the date of expiration of the

1 applicant's authorized stay in the United States as determined by the systematic alien verification
2 for entitlements system or alternate method approved by the United States Department of
3 Homeland Security or, if there is no expiration date, for a period no longer than one year from
4 date of issuance, whichever occurs first. Each nondriver identification card is renewable one
5 hundred eighty days before its expiration upon application and payment of the required fee. Any
6 nondriver identification card renewed before its expiration expires five years after the holder's
7 ensuing birthday, or on the date of expiration of the applicant's authorized stay in the United
8 States as determined by the systematic alien verification for entitlements system or alternate
9 method approved by the United States Department of Homeland Security or, if there is no
10 expiration date, for a period no longer than one year from date of issuance, whichever occurs
11 first. The nondriver identification card shall bear an indication if the holder has a living will
12 pursuant to chapter 34-12D or a durable power of attorney for health care pursuant to chapter
13 59-7 and an indication if the holder is a veteran pursuant to the provisions of section 3 of this
14 Act. Any nondriver identification card renewed during the thirty-day period following the date
15 of expiration expires five years from the holder's previous birthday, or on the date of expiration
16 of the applicant's authorized stay in the United States as determined by the systematic alien
17 verification for entitlements system or alternate method approved by the United States
18 Department of Homeland Security or, if there is no expiration date, for a period no longer than
19 one year from date of issuance, whichever occurs first.

20 Section 3. That chapter 32-12 be amended by adding thereto a NEW SECTION to read as
21 follows:

22 A designation that the licensee or card holder is a veteran shall be indicated on the license,
23 permit, or nondriver identification card issued pursuant to this chapter if the licensee or card
24 holder:

- 1 (1) Is an honorably discharged veteran having served in the armed forces of the United
2 States;
- 3 (2) Has requested the designation on the license, permit, or nondriver identification card;
4 and
- 5 (3) Has provided proof of the veteran's military service and honorable discharge by either
6 submitting the U.S. military Form DD-214 or a certificate signed by a county
7 veterans service officer on a form prescribed by the South Dakota Department of
8 Veterans Affairs.

9 Section 4. That § 32-12A-20 be amended to read as follows:

10 32-12A-20. The commercial driver license shall be marked "Commercial Driver License,"
11 shall be, to the maximum extent practicable, tamper proof, and shall include the following
12 information:

- 13 (1) The full legal name, address of principal residence, and mailing address of the
14 licensee;
- 15 (2) A full facial digital photograph of the licensee;
- 16 (3) A distinguishing number assigned to the licensee;
- 17 (4) A physical description of the licensee, including sex, height, weight, and eye color;
- 18 (5) Date of birth;
- 19 (6) An indication if the licensee is a donor pursuant to chapter 34-26;
- 20 (7) The licensee's signature;
- 21 (8) The class of commercial motor vehicle or vehicles which the licensee is authorized
22 to operate, including any endorsements or restrictions;
- 23 (9) The name of this state;
- 24 (10) The dates between which the commercial driver license is valid;

- 1 (11) A barcode on the back of the license containing the name of this state, the
2 information printed on the license, and the card design revision date indicating the
3 most recent change or modification to the visible format of the card; ~~and~~
- 4 (12) A security marking approved by the United States Department of Homeland Security
5 reflecting the level of compliance with 6 C.F.R. Part 37 as amended through January
6 1, 2009; and
- 7 (13) An indication if the licensee is a veteran pursuant to the provisions of section 5 of
8 this Act.

9 Section 5. That chapter 32-12A be amended by adding thereto a NEW SECTION to read
10 as follows:

11 A designation that the licensee is a veteran shall be indicated on the license or permit issued
12 pursuant to this chapter if the licensee:

- 13 (1) Is an honorably discharged veteran having served in the armed forces of the United
14 States;
- 15 (2) Has requested the designation on the license or permit; and
- 16 (3) Has provided proof of the veteran's military service and honorable discharge by either
17 submitting the U.S. military Form DD-214 or a certificate signed by a county
18 veterans service officer on a form prescribed by the South Dakota Department of
19 Veterans Affairs.