

State of South Dakota

EIGHTY-EIGHTH SESSION
LEGISLATIVE ASSEMBLY, 2013

808U0217

SENATE BILL NO. 142

Introduced by: Senators Vehle, Bradford, Frerichs, Johnston, Jones, Lederman, Lucas, Soholt, Sutton, Tidemann, Tieszen, and White and Representatives Hoffman, Bolin, Carson, Conzet, Gibson, Hawley, Heinert, Hunhoff (Bernie), Kirschman, Magstadt, Parsley, Ring, Rozum, Soli, and Tyler

1 FOR AN ACT ENTITLED, An Act to prohibit the use of certain handheld electronic wireless
2 devices for electronic messaging while driving and to prohibit conflicting municipal
3 regulations.

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

5 Section 1. That chapter 32-26 be amended by adding thereto a NEW SECTION to read as
6 follows:

7 No person may operate a motor vehicle on a highway while using a handheld electronic
8 wireless communication device to write, send, or read a text-based communication. This section
9 does not apply to a person who is using a handheld electronic wireless communication device:

- 10 (1) While the vehicle is lawfully parked;
- 11 (2) To contact an emergency response vehicle;
- 12 (3) To write, read, select, or enter a telephone number or name in an electronic wireless
13 communications device for the purpose of making or receiving a telephone call; or
- 14 (4) When using voice operated or hands free technology.



1 Any person who operates a motor vehicle in violation of this section is guilty of a Class 2
2 misdemeanor.

3 Section 2. That chapter 32-26 be amended by adding thereto a NEW SECTION to read as
4 follows:

5 Terms used in this Act mean:

6 (1) "Electronic wireless communication device," a mobile communication device that
7 uses short-wave analog or digital radio transmissions or satellite transmissions
8 between the device and a transmitter to permit wireless telephone communications
9 to and from the user of the device within a specified area;

10 (2) "Emergency response vehicle," any ambulance, fire department, law enforcement, or
11 civil defense vehicle, or other vehicle used primarily for emergency purposes;

12 (3) "Voice operated or hands free technology," technology that allows a user to write,
13 send, or read a text-based communication without the use of either hand except to
14 activate, deactivate, or initiate a feature or function; and

15 (4) "Write, send, or read a text-based communication," using an electronic wireless
16 communications device to manually communicate with any person using text-based
17 communication including communications referred to as a text message, instant
18 message, or electronic mail.

19 Section 3. That chapter 32-26 be amended by adding thereto a NEW SECTION to read as
20 follows:

21 No municipality may adopt or enforce any ordinance or policy at variance with section 1 of
22 this Act.