

# State of South Dakota

EIGHTY-EIGHTH SESSION  
LEGISLATIVE ASSEMBLY, 2013

167U0710

## SENATE BILL NO. 216

Introduced by: The Committee on Transportation at the request of the Task Force on Teen Driving Safety

1 FOR AN ACT ENTITLED, An Act to establish a state-wide driver education program.

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

3 Section 1. That chapter 32-12 be amended by adding thereto a NEW SECTION to read as  
4 follows:

5 There is hereby established within the Department of Public Safety a state-wide standardized  
6 driver education program. The program shall design or approve driver education programs and  
7 establish core curriculum models of instruction. The driver education program shall establish  
8 standardized testing methodology for students and standard training programs, licensing,  
9 recertification, and continuing education criteria for instructors. The secretary of the Department  
10 of Public Safety shall promulgate rules pursuant to chapter 1-26 to establish procedures for  
11 implementing the driver education program.

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

14 The position of driver education coordinator is created within the Department of Public  
15 Safety. The coordinator shall be responsible for establishing and continuing the driver education



1 program as set forth in section 1 of this Act.

2 Section 3. That § 32-12-12 be amended to read as follows:

3 32-12-12. A restricted minor's permit may be issued, upon application and payment of the  
4 proper fees as provided in § 32-12-16, to a minor at least fourteen years of age but less than  
5 eighteen years of age who has successfully passed all applicable tests and completed the  
6 requirements of an instruction permit as provided in § 32-12-11 or 32-12-11.1 and has not been  
7 convicted of a traffic violation during the past six months. For any such minor who has  
8 successfully completed a driver education course that has been approved by the Department of  
9 ~~Education or a driver education course that the secretary of the department of public safety has~~  
10 ~~determined has been approved by a state government agency in another state~~ Public Safety, the  
11 required minimum time period for holding the instruction permit in order to qualify for the  
12 restricted minor's permit is ninety continuous days. A restricted minor's permit entitles the  
13 holder, while having the permit in immediate physical possession, to operate a motor vehicle  
14 during the hours of 6 a.m. to 10 p.m. standard time if the motor vehicle is being operated with  
15 the permission of the holder's parent or guardian and during the hours of 10 p.m. to 6 a.m. if the  
16 motor vehicle is being operated under the direction of the holder's parent or guardian who is  
17 occupying a seat beside the holder. The restrictions as to time of operation and operation under  
18 the direction of a parent or guardian do not apply to the holder of a valid restricted minor's  
19 permit operating a self-propelled agricultural machine which is not subject to registration under  
20 chapter 32-5.

21 Section 4. That § 32-12-12.1 be amended to read as follows:

22 32-12-12.1. A motorcycle restricted minor's permit may be issued, upon application and  
23 payment of the proper fee as provided for in § 32-12-16, to a minor at least fourteen years of age  
24 but less than eighteen years of age who has successfully passed all applicable tests and

1 completed the requirements of an instruction permit as outlined in § 32-12-11 or 32-12-11.1 and  
2 has not been convicted of a traffic violation during the past six months. For any minor who has  
3 successfully completed the motorcycle safety education courses provided by § 32-20-14 and a  
4 driver education class that has been approved by the Department of ~~Education or a driver~~  
5 ~~education course that the secretary of the department of public safety has determined has been~~  
6 ~~approved by a state government agency in another state~~ Public Safety, the required minimum  
7 time period for holding the motorcycle instruction permit to qualify for the motorcycle restricted  
8 minor's permit is thirty continuous days. A motorcycle restricted minor's permit entitles the  
9 holder, while having the permit in immediate physical possession, to operate a motorcycle  
10 during the hours of 6 a.m. to 8 p.m. standard time if the motorcycle is being operated with the  
11 permission of the holder's parents or guardian.

12 Section 5. That § 32-12-17 be amended to read as follows:

13 32-12-17. Upon payment of the fee established by § 32-12-16, the Department of Public  
14 Safety shall issue an operator's license to each qualifying applicant. An operator's license may  
15 be issued to a minor at least sixteen years of age but less than eighteen years of age who has  
16 successfully passed all applicable tests and completed the requirements of an instruction permit  
17 as provided in § 32-12-11 or 32-12-11.1, provided that the applicant has not been convicted of  
18 a traffic violation in the past six months, and the applicant is not currently under suspension,  
19 revocation, or disqualification. If any such applicant has successfully completed a driver  
20 education course that has been approved by the Department of ~~Education or a driver education~~  
21 ~~course that the secretary of the Department of Public Safety has determined has been approved~~  
22 ~~by a state agency in another state~~ Public Safety, the required minimum time period for holding  
23 the instruction permit to qualify for the operator's license is ninety continuous days.

24 Section 6. That § 32-12-17.1 be amended to read as follows:

1       32-12-17.1. Upon payment of the fee established by § 32-12-16, the Department of Public  
2 Safety shall issue a motorcycle operator's license to each qualifying applicant. A motorcycle  
3 operator's license may be issued to a minor at least sixteen years of age but less than eighteen  
4 years of age who has successfully passed all applicable tests and completed the requirements  
5 of an instruction permit as provided in § 32-12-11 or § 32-12-11.1, if the applicant has not been  
6 convicted of a traffic violation during the past six months, and if the applicant is not currently  
7 under suspension, revocation, or disqualification. If any applicant has successfully completed  
8 the motorcycle safety education courses provided by § 32-20-14 and a driver education class  
9 that has been approved by the Department of ~~Education or a driver education course that the~~  
10 ~~secretary of the Department of Public Safety has determined has been approved by a state~~  
11 ~~government agency in another state~~ Public Safety, the required minimum time period for  
12 holding the motorcycle instruction permit to qualify for the motorcycle operator's license is  
13 thirty continuous days.

14       Section 7. That § 32-12-28 be amended to read as follows:

15       32-12-28. Any student enrolled in a driver education class which has been approved by the  
16 ~~South Dakota Department of Education~~ Public Safety may drive a motor vehicle without a  
17 license under this chapter on a designated highway or within a designated area if such student  
18 is accompanied by an approved driver education instructor who is occupying a seat beside such  
19 student driver.