

State of South Dakota

SEVENTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 1997

464A0460

CONFERENCE COMMITTEE ENGROSSED NO.

HB1138 - 3/6/97

Introduced by: Representatives Brown (Richard), Cutler, Gabriel, Jorgensen, and Richter and
Senators Aker, Dunn (Rebecca), and Halverson

1 FOR AN ACT ENTITLED, An Act to provide for a graduated driver's licensing system.

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

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

4 32-12-12. A restricted minor's permit may be issued, upon application and payment of the
5 proper fee as provided for in § 32-12-16; and passage of all driver's license examination tests,
6 to ~~any a~~ a minor ~~between the ages of at least fourteen and sixteen years of age, if the applicant for~~
7 a restricted minor's permit has not received a citation for a moving violation during the past six
8 months. A restricted minor's permit entitles the holder, while having the permit in ~~his~~ immediate
9 physical possession, to operate a motor vehicle during the hours of 6 a.m. to ~~8 p.m.~~ 7 p.m.
10 standard time if the motor vehicle is being operated with the permission of the minor's parents
11 or guardian and during the hours of ~~8 p.m.~~ 7 p.m. to 6 a.m. if the motor vehicle is being operated
12 under the direction of the minor's parent or guardian who is occupying a seat beside the driver.
13 The restrictions as to time of operation and operation under the direction of a parent or guardian
14 do not apply to the holder of a valid restricted minor's permit operating a self-propelled
15 agricultural machine which is not subject to registration under chapter 32-5.

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

3 A minor's permit may be issued, upon application and payment of the proper fee as provided
4 for in § 32-12-16 and upon passage of all driver's license examination tests, to a minor at least
5 fifteen years of age if the applicant for a minor's permit has not received a citation for a moving
6 violation during the past six months while holding or eligible to hold a restricted minor's permit.
7 A minor's permit entitles the holder, while having the permit in immediate physical possession,
8 to operate a motor vehicle during the hours of 6 a.m. to 8 p.m. standard time if the motor vehicle
9 is being operated with the permission of the minor's parent or guardian and during the hours of
10 8 p.m. to 6 a.m. if the motor vehicle is being operated under the direction of the minor's parent
11 or guardian who is occupying a seat beside the driver. The restrictions as to time of operation
12 and operation under the direction of a parent or guardian do not apply to the holder of a valid
13 minor's permit operating a self-propelled agricultural machine which is not subject to registration
14 under chapter 32-5.

15 Section 3. That § 32-12-15 be amended to read as follows:

16 32-12-15. The issuance of a restricted minor's permit is on a probationary basis and the
17 Department of Commerce and Regulation on the receipt of the conviction of a traffic violation
18 shall suspend the minor's driving privileges for a period of ninety days. The issuance of a
19 ~~restricted minor's permit under § 32-12-12~~ minor's permit is on a probationary basis and the
20 Department of Commerce and Regulation on the receipt of a record of conviction for a ~~traffic~~
21 violation of reckless driving or of driving more than twenty miles per hour over the speed limit
22 ~~committed prior to the minor's sixteenth birthday or a conviction for a violation of this restricted~~
23 ~~minor's permit committed prior to the minor's sixteenth birthday~~, shall suspend the minor's
24 driving privileges for a period of thirty days or as otherwise required by law. A second conviction
25 for a ~~traffic~~ violation of reckless driving or of driving more than twenty miles per hour over the

1 speed limit committed prior to the minor's sixteenth birthday ~~or a conviction for a violation of~~
2 ~~this restricted minor's permit committed prior to the minor's sixteenth birthday~~ shall result in
3 revocation of the minor's driving privileges ~~until the minor's sixteenth birthday or~~ for a period of
4 ninety days, ~~whichever period is longer~~. A third or subsequent conviction for a violation of
5 reckless driving or of driving more than twenty miles per hour over the speed limit committed
6 prior to the minor's sixteenth birthday shall result in revocation of the minor's driving privileges
7 for one year. If a minor has no restricted minor's permit or minor's permit and commits any traffic
8 violation prior to the minor's sixteenth birthday, the department shall suspend or revoke the
9 minor's driving privilege or privilege to apply for a permit or license as provided in this section.
10 Any violation which occurs prior to the issuance of a restricted minor's permit or an operator's
11 license shall be placed on the driving record and given the same consideration as any violation
12 which occurs following the issuance of a restricted minor's permit, a minor's permit, or an
13 operator's license.

14 Section 4. That § 32-12-29 be amended to read as follows:

15 32-12-29. The Department of Commerce and Regulation ~~shall~~ may not issue any license
16 under this chapter to any person who is under the age of sixteen years, except that the
17 department may issue a restricted license as provided in §§ 32-12-11 to 32-12-15, inclusive, to
18 any person who is at least fourteen years of age and a minor's permit as provided in section 2 of
19 this Act to any person at least fifteen years of age.

20 Section 5. That § 32-12-36 be amended to read as follows:

21 32-12-36. The Department of Commerce and Regulation upon issuing an operator's license
22 ~~shall have authority whenever good cause appears to~~ or permit may impose restrictions suitable
23 to the licensee's driving ability with respect to the type of or special mechanical control devices
24 required on a motor vehicle which the licensee may operate or ~~such~~ any other restrictions
25 applicable to the licensee as the department may determine to be appropriate to assure the safe

1 operation of a motor vehicle by the licensee.

2 Section 6. That § 32-12-52.4 be amended to read as follows:

3 32-12-52.4. Upon a first conviction for violation, while in a motor vehicle, of § 35-9-2, the
4 court shall suspend the driver's license or driving privilege of any driver of a vehicle who was
5 under the age of twenty-one when the offense occurred, for a period of six months. If the driver
6 of the vehicle was under the age of eighteen years at the time of the offense, the suspension shall
7 be for nine months. If the driver of the vehicle was under the age of sixteen years at the time of
8 the offense, the suspension shall be for one year.

9 Upon a second or subsequent conviction for a violation, while in a motor vehicle, of
10 § 35-9-2, the court shall suspend the driver's license or driving privilege of any driver of a vehicle
11 who was under the age of twenty-one when the offense occurred, for a period of one year. For
12 any offense under this section, the court may issue an order permitting the person to operate a
13 motor vehicle for purposes of the person's employment or attendance at school.

14 Notwithstanding the provisions of chapters 26-7A, 26-8A, 26-8B, and 26-8C, the Unified
15 Judicial System shall notify the Department of Commerce and Regulation of any conviction for
16 a violation, while in a motor vehicle, of § 35-9-2 or chapter 32-23. The period of suspension
17 shall begin on the date the person's suspended driver's license is received by the court or the
18 Department of Commerce and Regulation. At the expiration of the period of suspension, a
19 person may make application to have the license reinstated and pay the license fee as prescribed
20 in § 32-12-47.1.

21 Section 7. That chapter 32-12 be amended by adding thereto a NEW SECTION to read as
22 follows:

23 Any minor holding a valid permit which was issued prior to the effective date of this Act
24 must satisfy additional requirements in order to be licensed to operate a motor vehicle under the
25 terms of this Act upon the expiration of that permit.

1 Section 8. That § 32-12-17 be amended to read as follows:

2 32-12-17. The Department of Commerce and Regulation shall, upon payment of the fee
3 established by § 32-12-16, issue to every applicant qualifying therefor an operator's license. An
4 applicant who has a valid minor's permit may be issued an operator's license upon the payment
5 of the fee if the applicant surrenders the permit to the department and if the applicant has not
6 received a moving violation within the past twelve months. The license shall bear thereon a
7 distinguishing number assigned to the licensee, the full legal name or any name lawfully taken,
8 date of birth, residence address, an indication if the licensee is a donor pursuant to chapter 34-26,
9 an indication if the licensee has a living will pursuant to chapter 34-12D or a durable power of
10 attorney for health care pursuant to chapter 59-7, a color photo and a brief description of the
11 licensee, and the licensee's signature. The department shall indicate upon each driver's license the
12 general class of vehicles which the licensee may drive.

1 **BILL HISTORY**

2 1/28/97 First read in House and referred to Transportation. H.J. 172

3 2/5/97 Scheduled for Committee hearing on this date.

4 2/5/97 Transportation Deferred to another day. H.J. 316

5 2/10/97 Scheduled for Committee hearing on this date.

6 2/10/97 Transportation Deferred to 41st legislative day, AYES 9, NAYS 4. H.J. 379

7 2/11/97 Recalled from committee (Rule 7-7). H.J. 410

8 2/12/97 Transportation Do Pass, Failed.

9 2/12/97 Transportation Do Pass, Failed, AYES 4, NAYS 9.

10 2/12/97 Transportation Report Without Recommendation, AYES 7, NAYS 6. H.J. 436

11 2/13/97 House of Representatives Placed on Calendar, AYES 49, NAYS 20. H.J. 464

12 2/14/97 Motion to Amend, Failed, AYES 26, NAYS 39. H.J. 494

13 2/14/97 Motion to Amend, Passed. H.J. 495

14 2/14/97 House of Representatives Do Pass Amended, Passed, AYES 39, NAYS 31. H.J. 496

15 2/14/97 Intent to reconsider. H.J. 496

16 2/15/97 House of Representatives Reconsidered, AYES 32, NAYS 37. H.J. 517

17 2/18/97 First read in Senate and referred to Transportation. S.J. 507

18 2/27/97 Scheduled for Committee hearing on this date.

19 2/27/97 Transportation Do Pass Amended, Passed, AYES 7, NAYS 0. S.J. 679

20 2/27/97 Scheduled for Committee hearing on this date.

21 3/3/97 Senate Deferred to another day. S.J. 741

22 3/4/97 Motion to Amend, Passed. S.J. 765

23 3/4/97 Senate Do Pass Amended, Passed, AYES 26, NAYS 9. S.J. 766

24 3/5/97 House of Representatives failed to concur, appoint Conference Committee. H.J. 890

25 3/6/97 Senate Conference committee report adopted Passed, AYES 28, NAYS 6.