

AN ACT

ENTITLED, An Act to provide for a graduated driver's licensing system.

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

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

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

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

A minor's permit may be issued, upon application and payment of the proper fee as provided for in § 32-12-16 and upon passage of all driver's license examination tests, to a minor at least fifteen years of age if the applicant for a minor's permit has not received a citation for a moving violation during the past six months while holding or eligible to hold a restricted minor's permit. A minor's permit entitles the holder, while having the permit in immediate physical possession, to operate a motor vehicle during the hours of 6 a.m. to 8 p.m. standard time if the motor vehicle is being operated with the permission of the minor's parent or guardian and during the hours of 8 p.m. to 6 a.m. if the motor vehicle is being operated under the direction of the minor's parent or guardian who is

occupying a seat beside the driver. The restrictions as to time of operation and operation under the direction of a parent or guardian do not apply to the holder of a valid minor's permit operating a self-propelled agricultural machine which is not subject to registration under chapter 32-5.

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

32-12-15. The issuance of a restricted minor's permit is on a probationary basis and the Department of Commerce and Regulation on the receipt of the conviction of a traffic violation shall suspend the minor's driving privileges for a period of ninety days. The issuance of a minor's permit is on a probationary basis and the Department of Commerce and Regulation on the receipt of a record of conviction for a violation of reckless driving or of driving more than twenty miles per hour over the speed limit committed prior to the minor's sixteenth birthday, shall suspend the minor's driving privileges for a period of thirty days or as otherwise required by law. A second conviction for a violation of reckless driving or of driving more than twenty miles per hour over the speed limit committed prior to the minor's sixteenth birthday shall result in revocation of the minor's driving privileges for a period of ninety days. A third or subsequent conviction for a violation of reckless driving or of driving more than twenty miles per hour over the speed limit committed prior to the minor's sixteenth birthday shall result in revocation of the minor's driving privileges for one year. If a minor has no restricted minor's permit or minor's permit and commits any traffic violation prior to the minor's sixteenth birthday, the department shall suspend or revoke the minor's driving privilege or privilege to apply for a permit or license as provided in this section. Any violation which occurs prior to the issuance of a restricted minor's permit or an operator's license shall be placed on the driving record and given the same consideration as any violation which occurs following the issuance of a restricted minor's permit, a minor's permit, or an operator's license.

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

32-12-29. The Department of Commerce and Regulation may not issue any license under this chapter to any person who is under the age of sixteen years, except that the department may issue a

restricted license as provided in §§ 32-12-11 to 32-12-15, inclusive, to any person who is at least fourteen years of age and a minor's permit as provided in section 2 of this Act to any person at least fifteen years of age.

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

32-12-36. The Department of Commerce and Regulation upon issuing an operator's license or permit may impose restrictions suitable to the licensee's driving ability with respect to the type of or special mechanical control devices required on a motor vehicle which the licensee may operate or any other restrictions applicable to the licensee as the department may determine to be appropriate to assure the safe operation of a motor vehicle by the licensee.

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

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

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

Notwithstanding the provisions of chapters 26-7A, 26-8A, 26-8B, and 26-8C, the Unified Judicial System shall notify the Department of Commerce and Regulation of any conviction for a violation, while in a motor vehicle, of § 35-9-2 or chapter 32-23. The period of suspension shall begin on the date the person's suspended driver's license is received by the court or the Department of

Commerce and Regulation. At the expiration of the period of suspension, a person may make application to have the license reinstated and pay the license fee as prescribed in § 32-12-47.1.

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

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

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

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

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I certify that the attached Act  
originated in the

HOUSE as Bill No. 1138

\_\_\_\_\_  
Chief Clerk

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\_\_\_\_\_  
Speaker of the House

Attest:

\_\_\_\_\_  
Chief Clerk

\_\_\_\_\_  
President of the Senate

Attest:

\_\_\_\_\_  
Secretary of the Senate

House Bill No. 1138

File No. \_\_\_\_\_

Chapter No. \_\_\_\_\_

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Received at this Executive Office  
this \_\_\_\_ day of \_\_\_\_\_ ,

19\_\_ at \_\_\_\_ M.

By \_\_\_\_\_  
for the Governor

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The attached Act is hereby  
approved this \_\_\_\_\_ day of  
\_\_\_\_\_, A.D., 19\_\_

\_\_\_\_\_  
Governor

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STATE OF SOUTH DAKOTA,  
SS.

Office of the Secretary of State

Filed \_\_\_\_\_, 19\_\_  
at \_\_\_\_\_ o'clock \_\_ M.

\_\_\_\_\_  
Secretary of State

By \_\_\_\_\_  
Asst. Secretary of State