

State of South Dakota

SEVENTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 1997

464A0460

HOUSE BILL NO. 1138

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 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 while holding or eligible to hold an instruction permit. A restricted minor's permit entitles
9 the holder, while having the permit in his immediate physical possession, to operate a motor
10 vehicle during the hours of 6 a.m. to 8 p.m. standard time if the motor vehicle is being operated
11 with the permission of the minor's parents or guardian and ~~during the hours of 8 p.m. to 6 a.m.~~
12 if the vehicle is being operated only on the most direct route between the operator's home and
13 the school in which the operator is enrolled and is in session or on the most direct route between
14 the operator's home and the operator's place of employment or in the course of employment. The
15 holder of a restricted minor's permit may otherwise operate a motor vehicle only if the motor

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

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

7 A minor's permit may be issued, upon application and payment of the proper fee as provided
8 for in § 32-12-16 and upon passage of all driver's license examination tests, to a minor at least
9 fifteen years of age if the applicant for a minor's permit has not received a citation for a moving
10 violation during the past six months while holding or eligible to hold a restricted minor's permit.

11 A minor's permit entitles the holder, while having the permit in immediate physical possession,
12 to operate a motor vehicle during the hours of 6 a.m. to 8 p.m. standard time if the motor vehicle
13 is being operated with the permission of the minor's parent or guardian and during the hours of
14 8 p.m. to 6 a.m. if the motor vehicle is being operated under the direction of the minor's parent
15 or guardian who is occupying a seat beside the driver. The restrictions as to time of operation
16 and operation under the direction of a parent or guardian do not apply to the holder of a valid
17 minor's permit operating a self-propelled agricultural machine which is not subject to registration
18 under chapter 32-5.

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

21 An intermediate driver's permit may be issued, upon application and payment of the proper
22 fee as provided for in § 32-12-16, to any minor at least sixteen years of age who is not otherwise
23 disqualified, if the applicant has not been convicted of a moving violation within one year
24 preceding application for an intermediate permit and the applicant holds a valid restricted minor's
25 permit, or minor's permit at the time of application. An intermediate driver's permit entitles the

1 holder, while having the permit in immediate physical possession, to operate a motor vehicle at
2 any time of the day or night if the motor vehicle is being operated with the permission of the
3 minor's parent or guardian. Nothing in this section precludes the suspension or revocation of the
4 minor's driving privileges upon the receipt of a record of conviction for a violation of this title
5 committed prior to the minor's eighteenth birthday.

6 Section 4. That § 32-12-15 be amended to read as follows:

7 32-12-15. The issuance of a restricted minor's permit ~~under § 32-12-12, a minor's permit, or~~
8 an intermediate driver's permit is on a probationary basis and the Department of Commerce and
9 Regulation on the receipt of a record of conviction for a traffic violation committed prior to the
10 minor's ~~sixteenth~~ eighteenth birthday or a conviction for a violation of ~~this restricted minor's a~~
11 permit committed prior to the minor's sixteenth birthday, shall suspend the minor's driving
12 privileges for a period of thirty days or as otherwise required by law. A second conviction for
13 a ~~traffic violation of driving under the influence of alcohol or drugs, of reckless driving, or of~~
14 driving more than twenty miles per hour over the speed limit committed prior to the minor's
15 ~~sixteenth~~ eighteenth birthday or a second conviction for a violation of ~~this restricted minor's a~~
16 permit committed prior to the minor's sixteenth birthday shall result in revocation of the minor's
17 driving privileges until the minor's ~~sixteenth~~ eighteenth birthday or for a period of ninety days,
18 whichever period is longer. If a minor has no restricted minor's permit, minor's permit, or
19 intermediate driver's permit and commits any traffic violation prior to the minor's ~~sixteenth~~
20 eighteenth birthday, the department shall suspend or revoke the minor's driving privilege or
21 privilege to apply for a permit or license as provided in this section. Any violation which occurs
22 prior to the issuance of a restricted minor's permit, an intermediate driver's permit, or an
23 operator's license shall be placed on the driving record and given the same consideration as any
24 violation which occurs following the issuance of a restricted minor's permit, a minor's permit, an
25 intermediate driver's permit, or an operator's license.

1 Section 5. 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, who at the time of initial application has not
4 received a moving violation within the past twelve months and surrenders to the department a
5 valid intermediate driver's license, qualifying therefor an operator's license. The license shall bear
6 thereon a distinguishing number assigned to the licensee, the full legal name or any name lawfully
7 taken, date of birth, residence address, an indication if the licensee is a donor pursuant to chapter
8 34-26, an indication if the licensee has a living will pursuant to chapter 34-12D or a durable
9 power of attorney for health care pursuant to chapter 59-7, a color photo and a brief description
10 of the licensee, and the licensee's signature. The department shall indicate upon each driver's
11 license the general class of vehicles which the licensee may drive.

12 Section 6. That § 32-12-29 be amended to read as follows:

13 32-12-29. The Department of Commerce and Regulation ~~shall~~ may not issue any license
14 under this chapter to any person who is under the age of ~~sixteen~~ eighteen years, except that the
15 department may issue a restricted license as provided in §§ 32-12-11 to 32-12-15, inclusive, to
16 any person who is at least fourteen years of age, a minor's permit as provided in section 2 of this
17 Act to any person at least fifteen years of age, and an intermediate driver's permit as provided
18 in section 3 of this Act to any person who is at least sixteen years of age.

19 Section 7. That § 32-12-36 be amended to read as follows:

20 32-12-36. The Department of Commerce and Regulation upon issuing an operator's license
21 ~~shall have authority whenever good cause appears to~~ or permit may impose restrictions suitable
22 to the licensee's driving ability with respect to the type of or special mechanical control devices
23 required on a motor vehicle which the licensee may operate or ~~such~~ any other restrictions
24 applicable to the licensee as the department may determine to be appropriate to assure the safe
25 operation of a motor vehicle by the licensee.

1 Section 8. That § 32-12-52.4 be amended to read as follows:

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

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

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

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

22 Any person holding a valid permit which was issued prior to the effective date of this Act and
23 who must satisfy additional requirements in order to be licensed to operate a motor vehicle under
24 the terms of this Act shall have six months from the effective date of this Act in which to qualify
25 for the license.