

State of South Dakota

SEVENTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 1997

464A0460

SENATE ENGROSSED NO. **HB1138** - 3/5/97

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 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 chapter 32-12 be amended by adding thereto a NEW SECTION to read as
16 follows:

17 An intermediate driver's permit may be issued, upon application and payment of the proper
18 fee as provided for in § 32-12-16, to any minor at least sixteen years of age who is not otherwise
19 disqualified, if the applicant has not been convicted of a moving violation within one year
20 preceding application for an intermediate permit and the applicant holds a valid restricted minor's
21 permit, or minor's permit at the time of application. An intermediate driver's permit entitles the
22 holder, while having the permit in immediate physical possession, to operate a motor vehicle
23 during the hours of 6 a.m. to midnight standard time if the motor vehicle is being operated with
24 the permission of the minor's parent or guardian and during the hours of midnight to 6 a.m. if the
25 motor vehicle is being operated under the direction of the minor's parent or guardian who is

1 occupying a seat beside the driver. Nothing in this section precludes the suspension or revocation
2 of the minor's driving privileges upon the receipt of a record of conviction for a violation of this
3 title committed prior to the minor's eighteenth birthday.

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

5 32-12-15. The issuance of a restricted minor's permit is on a probationary basis and the
6 Department of Commerce and Regulation on the receipt of the conviction of a traffic violation
7 shall suspend the minor's driving privileges for a period of ninety days. The issuance of a
8 ~~restricted minor's permit under § 32-12-12~~ minor's permit, or an intermediate driver's permit is
9 on a probationary basis and the Department of Commerce and Regulation on the receipt of a
10 record of conviction for a ~~traffic violation~~ of reckless driving or of driving more than twenty
11 miles per hour over the speed limit committed prior to the minor's ~~sixteenth~~ eighteenth birthday
12 ~~or a conviction for a violation of this restricted minor's permit committed prior to the minor's~~
13 ~~sixteenth birthday~~, shall suspend the minor's driving privileges for a period of thirty days or as
14 otherwise required by law. A second conviction for a ~~traffic violation~~ of reckless driving or of
15 driving more than twenty miles per hour over the speed limit committed prior to the minor's
16 ~~sixteenth~~ eighteenth birthday ~~or a conviction for a violation of this restricted minor's permit~~
17 ~~committed prior to the minor's sixteenth birthday~~ shall result in revocation of the minor's driving
18 privileges ~~until the minor's sixteenth birthday or for a period of ninety days, whichever period is~~
19 ~~longer.~~ A third or subsequent conviction for a violation of reckless driving or of driving more
20 than twenty miles per hour over the speed limit committed prior to the minor's eighteenth
21 birthday shall result in revocation of the minor's driving privileges for one year. If a minor has
22 no restricted minor's permit, minor's permit, or intermediate driver's permit and commits any
23 traffic violation prior to the minor's ~~sixteenth~~ eighteenth birthday, the department shall suspend
24 or revoke the minor's driving privilege or privilege to apply for a permit or license as provided
25 in this section. Any violation which occurs prior to the issuance of a restricted minor's permit,

1 an intermediate driver's permit, or an operator's license shall be placed on the driving record and
2 given the same consideration as any violation which occurs following the issuance of a restricted
3 minor's permit, a minor's permit, an intermediate driver's permit, or an operator's license.

4 Section 5. That § 32-12-29 be amended to read as follows:

5 32-12-29. The Department of Commerce and Regulation ~~shall~~ may not issue any license
6 under this chapter to any person who is under the age of ~~sixteen~~ eighteen years, except that the
7 department may issue a restricted license as provided in §§ 32-12-11 to 32-12-15, inclusive, to
8 any person who is at least fourteen years of age, a minor's permit as provided in section 2 of this
9 Act to any person at least fifteen years of age, and an intermediate driver's permit as provided
10 in section 3 of this Act to any person who is at least sixteen years of age.

11 Section 6. That § 32-12-36 be amended to read as follows:

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

18 Section 7. That § 32-12-52.4 be amended to read as follows:

19 32-12-52.4. Upon a first conviction for violation, while in a motor vehicle, of § 35-9-2, the
20 court shall suspend the driver's license or driving privilege of any driver of a vehicle who was
21 under the age of twenty-one when the offense occurred, for a period of six months. If the driver
22 of the vehicle was under the age of eighteen years at the time of the offense, the suspension shall
23 be for nine months. If the driver of the vehicle was under the age of sixteen years at the time of
24 the offense, the suspension shall be for one year.

25 Upon a second or subsequent conviction for a violation, while in a motor vehicle, of

1 § 35-9-2, the court shall suspend the driver's license or driving privilege of any driver of a vehicle
2 who was under the age of twenty-one when the offense occurred, for a period of one year. For
3 any offense under this section, the court may issue an order permitting the person to operate a
4 motor vehicle for purposes of the person's employment or attendance at school.

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

12 Section 8. That chapter 32-12 be amended by adding thereto a NEW SECTION to read as
13 follows:

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

17 Section 9. That § 32-12-17 be amended to read as follows:

18 32-12-17. The Department of Commerce and Regulation shall, upon payment of the fee
19 established by § 32-12-16, issue to every applicant qualifying therefor an operator's license. An
20 applicant who has a valid intermediate driver's permit may be issued an operator's license upon
21 the payment of the fee if the applicant surrenders the permit to the department and if the
22 applicant has not received a moving violation within the past twelve months. The license shall
23 bear thereon a distinguishing number assigned to the licensee, the full legal name or any name
24 lawfully taken, date of birth, residence address, an indication if the licensee is a donor pursuant
25 to chapter 34-26, an indication if the licensee has a living will pursuant to chapter 34-12D or a

1 durable power of attorney for health care pursuant to chapter 59-7, a color photo and a brief
2 description of the licensee, and the licensee's signature. The department shall indicate upon each
3 driver's license the 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