

State of South Dakota

SEVENTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 1997

734A0738

HOUSE BILL NO. 1270

Introduced by: Representatives Wick, Apa, Barker, and Van Gerpen and Senators Albers and Shoener

1 FOR AN ACT ENTITLED, An Act to provide for a graduated driver's licensing system, to
2 increase the fee for certain driver licenses and permits, and to provide for the use of such fee
3 increases.

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

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

6 32-12-12. A restricted minor's permit may be issued, upon application and payment of the
7 proper fee as provided for in § 32-12-16, upon successful completion of an approved driver's
8 training program and passage of all driver's license examination tests, to any a minor between the
9 ages of at least fourteen and sixteen years of age, if the applicant for a restricted minor's permit
10 has not received a citation for a moving violation during the past six months while holding or
11 eligible to hold an instruction permit. A restricted minor's permit entitles the holder, while having
12 the permit in his immediate physical possession, to operate a motor vehicle during the hours of
13 6 a.m. to 8 p.m. standard time if the motor vehicle is being operated with the permission of the
14 minor's parents or guardian and ~~during the hours of 8 p.m. to 6 a.m. if the vehicle is being~~
15 operated only on the most direct route between the operator's home and the school in which the

1 operator is enrolled and is in session and with only members of the minor's family in the motor
2 vehicle or on the most direct route between the operator's home and the operator's place of
3 employment or in the course of employment. The holder of a restricted minor's permit may
4 otherwise operate a motor vehicle only if the motor vehicle is being operated under the direction
5 of the minor's parent or guardian who is occupying a seat beside the driver. The restrictions as
6 to time of operation and operation under the direction of a parent or guardian do not apply to
7 the holder of a valid restricted minor's permit operating a self-propelled agricultural machine
8 which is not subject to registration under chapter 32-5.

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

11 A minor's permit may be issued, upon application and payment of the proper fee as provided
12 for in § 32-12-16, upon successful completion of an approved driver's education training
13 program and upon passage of all driver's license examination tests, to a minor at least fifteen
14 years of age if the applicant for a minor's permit has not received a citation for a moving violation
15 during the past six months while holding or eligible to hold a restricted minor's permit. A minor's
16 permit entitles the holder, while having the permit in immediate physical possession, to operate
17 a motor vehicle during the hours of 6 a.m. to 8 p.m. standard time if the motor vehicle is being
18 operated with the permission of the minor's parent or guardian and only if any minor passenger
19 in the motor vehicle has the permission of the holder's parent or guardian and the passenger's
20 parent or guardian. A minor's permit entitles the holder, while having the permit in immediate
21 physical possession, to operate a motor vehicle anytime of the day or night if the motor vehicle
22 is being operated under the direction of the minor's parent or guardian who is occupying a seat
23 beside the driver. The restrictions as to time of operation and operation under the direction of
24 a parent or guardian do not apply to the holder of a valid minor's permit operating a self-
25 propelled agricultural machine which is not subject to registration under chapter 32-5.

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

3 An intermediate driver's permit may be issued, upon application and payment of the proper
4 fee as provided for in § 32-12-16, to any minor at least sixteen years of age who is not otherwise
5 disqualified, if the applicant has not been convicted of a moving violation within one year
6 preceding application for an intermediate permit and the applicant holds a valid restricted minor's
7 permit, or minor's permit at the time of application. An intermediate driver's permit entitles the
8 holder, while having the permit in immediate physical possession, to operate a motor vehicle at
9 any time of the day or night if the motor vehicle is being operated with the permission of the
10 minor's parent or guardian. Nothing in this section precludes the suspension or revocation of the
11 minor's driving privileges upon the receipt of a record of conviction for a violation of this title
12 committed prior to the minor's eighteenth birthday.

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

14 32-12-15. The issuance of a restricted minor's permit ~~under § 32-12-12, a minor's permit, or~~
15 an intermediate driver's permit is on a probationary basis and the Department of Commerce and
16 Regulation on the receipt of a record of conviction for a traffic violation committed prior to the
17 minor's ~~sixteenth~~ eighteenth birthday or a conviction for a violation of ~~this restricted minor's a~~
18 permit committed prior to the minor's sixteenth birthday, shall suspend the minor's driving
19 privileges for a period of ~~thirty~~ ninety days or as otherwise required by law. A second conviction
20 for a ~~traffic violation of driving under the influence of alcohol or drugs, of reckless driving, or~~
21 of driving more than twenty miles per hour over the speed limit committed prior to the minor's
22 ~~sixteenth~~ eighteenth birthday or a second conviction for a violation of ~~this restricted minor's a~~
23 permit committed prior to the minor's sixteenth birthday shall result in revocation of the minor's
24 driving privileges until the minor's ~~sixteenth~~ eighteenth birthday or for a period of ~~ninety one~~
25 hundred eighty days, whichever period is longer. If a minor has no restricted minor's permit,

1 minor's permit, or intermediate driver's permit and commits any traffic violation prior to the
2 minor's ~~sixteenth~~ eighteenth birthday, the department shall suspend or revoke the minor's driving
3 privilege or privilege to apply for a permit or license as provided in this section. Any violation
4 which occurs prior to the issuance of a restricted minor's permit, an intermediate driver's permit,
5 or an operator's license shall be placed on the driving record and given the same consideration
6 as any violation which occurs following the issuance of a restricted minor's permit, a minor's
7 permit, an intermediate driver's permit, or an operator's license.

8 Section 5. That § 32-12-16 be amended to read as follows:

9 32-12-16. The fee for an original driver's license or a renewal of a license is ~~eight~~ ten dollars.
10 The fee for a commercial license is twenty-five dollars if knowledge and skill testing is required
11 and fifteen dollars if no skill testing is required, and five dollars for each endorsement. The fee
12 for a duplicate license, a name change, or an address change is ~~six~~ eight dollars. The fee shall be
13 credited to the state motor vehicle fund. Two dollars of each fee for an original driver license,
14 renewal of license, duplicate license, name change, or address change shall be dedicated to
15 defraying the cost of administering the driver's education training programs required under the
16 provisions of this Act.

17 Section 6. 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, who at the time of initial application has not
20 received a moving violation within the past twelve months and surrenders to the department a
21 valid intermediate driver's license, qualifying therefor an operator's license. The license shall bear
22 thereon a distinguishing number assigned to the licensee, the full legal name or any name lawfully
23 taken, date of birth, residence address, an indication if the licensee is a donor pursuant to chapter
24 34-26, an indication if the licensee has a living will pursuant to chapter 34-12D or a durable
25 power of attorney for health care pursuant to chapter 59-7, a color photo and a brief description

1 of the licensee, and the licensee's signature. The department shall indicate upon each driver's
2 license the general class of vehicles which the licensee may drive.

3 Section 7. That § 32-12-29 be amended to read as follows:

4 32-12-29. The Department of Commerce and Regulation ~~shall~~ may not issue any license
5 under this chapter to any person who is under the age of ~~sixteen~~ eighteen years, except that the
6 department may issue a restricted license as provided in §§ 32-12-11 to 32-12-15, inclusive, to
7 any person who is at least fourteen years of age, a minor's permit as provided in section 2 of this
8 Act to any person at least fifteen years of age, and an intermediate driver's permit as provided
9 in section 3 of this Act to any person who is at least sixteen years of age.

10 Section 8. That § 32-12-36 be amended to read as follows:

11 32-12-36. The Department of Commerce and Regulation upon issuing an operator's license
12 ~~shall have authority whenever good cause appears to~~ or permit may impose restrictions suitable
13 to the licensee's driving ability with respect to the type of or special mechanical control devices
14 required on a motor vehicle which the licensee may operate or ~~such~~ any other restrictions
15 applicable to the licensee as the department may determine to be appropriate to assure the safe
16 operation of a motor vehicle by the licensee.

17 Section 9. That § 32-12-52.4 be amended to read as follows:

18 32-12-52.4. Upon a first conviction for violation, while in a motor vehicle, of § 35-9-2, the
19 court shall suspend the driver's license or driving privilege of any driver of a vehicle who was
20 under the age of twenty-one when the offense occurred, for a period of six months. If the driver
21 of the vehicle was under the age of eighteen years at the time of the offense, the suspension shall
22 be for nine months. If the driver of the vehicle was under the age of sixteen years at the time of
23 the offense, the suspension shall be for one year.

24 Upon a second or subsequent conviction for a violation, while in a motor vehicle, of
25 § 35-9-2, the court shall suspend the driver's license or driving privilege of any driver of a vehicle

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

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

11 Section 10. That chapter 32-12 be amended by adding thereto a NEW SECTION to read as
12 follows:

13 Any person holding a valid permit which was issued prior to the effective date of this Act and
14 who must satisfy additional requirements in order to be licensed to operate a motor vehicle under
15 the terms of this Act has six months from the effective date of this Act in which to qualify for the
16 license.