

AN ACT

ENTITLED, An Act to establish the suspension periods for certain violations of traffic laws and for fraudulently using a driver license or nondriver identification card.

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

Section 1. That § 32-12-49 be amended to read as follows:

32-12-49. The secretary of commerce and regulation may suspend, revoke, disqualify, or cancel the license of an operator after opportunity for hearing pursuant to chapter 1-26 if hearing is demanded, upon a showing by its records or other sufficient evidence that the licensee:

- (1) Has been convicted of an offense for which mandatory suspension, revocation, or disqualification of license is required;
- (2) Appears by the records of the division to be an habitually reckless or negligent operator of a motor vehicle or to have repeatedly violated any of the state traffic laws, municipal ordinances which are in strict conformity with state law and adopted by a local authority other than regulations governing parking, traffic laws of another state, or any of the county speed limits set pursuant to law. The secretary of commerce and regulation shall implement the method of weighing traffic convictions provided in § 32-12-49.1;
- (3) Is physically or mentally incompetent to drive a motor vehicle;
- (4) Has violated § 32-12-17.3, 32-12-17.4, 32-12-17.5, 32-12-17.6, 32-12-67, 32-12-69, 32-12-70, or 32-12-71;
- (5) Has committed an offense in another state which if committed in this state would be grounds for suspension, revocation, or disqualification;
- (6) Has failed to pay a fine or comply with the terms of a citation issued in the state;
- (7) Has failed to pay a fine or comply with the terms of a citation issued by a state covered by the nonresident violators compact; or
- (8) Has made a false statement or representation or fails to disclose a material fact in order to

obtain a license or nondriver identification card.

In determining whether a license should be suspended or revoked under this section, the director may not consider any offense which is more than four years old.

The secretary of commerce and regulation may promulgate rules in regard to driver license suspension, revocation, disqualification, and cancellation in the following areas:

- (1) Point accumulation;
- (2) Physical or mental incompetence;
- (3) Unlawful use of license or nondriver identification card;
- (4) Out-of-state convictions;
- (5) Failure to comply with citations issued in this state or another state;
- (6) Misrepresentation or omissions of material fact to obtain a license or nondriver identification card.

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

The department shall impose a period of suspension for violations meeting the conditions of subdivision 32-12-49(2) or (4), based on the licensee's record during the last forty-eight months, according to the following schedule:

- (1) First suspension - sixty days;
- (2) Second suspension - six months; and
- (3) Subsequent suspension - one year.

Section 3. That ARSD 61:18:01:08 be repealed.

Section 4. That ARSD 61:18:04:01 be repealed.

An Act to establish the suspension periods for certain violations of traffic laws and for fraudulently using a driver license or nondriver identification card.

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I certify that the attached Act originated in the

SENATE as Bill No. 62

Secretary of the Senate

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President of the Senate

Attest:

Secretary of the Senate

Speaker of the House

Attest:

Chief Clerk

Senate Bill No. 62
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