

State of South Dakota

SEVENTY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 1999

871C0260

HOUSE BILL NO. 1063

Introduced by: The Committee on Judiciary at the request of the Chief Justice

1 FOR AN ACT ENTITLED, An Act to authorize the courts to suspend driving privileges for
2 persons convicted of driving or physical control of a motor vehicle while under age twenty-
3 one and under the influence of alcohol or controlled substances and to permit the granting
4 of certain restricted driving privileges for such persons.

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

6 Section 1. That § 32-23-21 be amended to read as follows:

7 32-23-21. It is a Class 2 misdemeanor for any person under the age of twenty-one years to
8 drive, operate, or be in actual physical control of any motor vehicle:

9 (1) If there is physical evidence of 0.02 percent or more by weight of alcohol in the
10 person's blood as shown by chemical analysis of the person's breath, blood, or other
11 bodily substance; or

12 (2) After having consumed marijuana or any controlled drug or substance for as long as
13 physical evidence of the consumption remains present in the person's body.

14 If a person is found guilty of a violation of this section, the unified judicial system shall notify
15 the Department of Commerce and Regulation. Upon ~~receipt of notification from the unified~~
16 ~~judicial system of the court's determination, the secretary of the department~~ conviction, the court
17 shall suspend that person's driver's license or operating privilege for a period of six months for

1 a first offense or one year for any second or subsequent offense. However, the court may, in its
2 discretion, issue an order permitting the person to operate a motor vehicle during the hours and
3 days of the week set forth in the order for purposes of the person's employment, attendance at
4 school, or attendance at court-ordered counseling programs.