

State of South Dakota

SEVENTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2000

664D0204

CONFERENCE COMMITTEE
ENGROSSED NO. **SB60** - 2/25/00

This bill has been extensively amended (hoghoused) and may no longer be consistent with the original intention of the sponsors.

Introduced by: Senators Albers, Madden, and Vitter and Representatives Hennies, Apa, and Engbrecht

1 FOR AN ACT ENTITLED, An Act to revise the provisions for motorcycle instruction permits

2 and to provide for the issuance of restricted motorcycle minor's permits.

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

4 Section 1. That § 32-12-11 be amended to read as follows:

5 32-12-11. Any person who is at least fourteen years of age but less than eighteen years of
6 age applying for a South Dakota driver's license who does not currently hold a driver's license
7 that has been valid continuously for one hundred eighty days, shall apply to the Department of
8 Commerce and Regulation for an instruction permit which shall be held for a minimum of one
9 hundred eighty continuous days. The department may, after the applicant has successfully passed
10 all parts of the examination other than the driving test and paid a fee which is equal in amount
11 to the fee prescribed for a driver's license in § 32-12-16, issue to the applicant an instruction
12 permit. The instruction permit entitles the applicant while having the permit in the applicant's
13 immediate possession to drive a motor vehicle upon the public highways for a period of one year
14 if accompanied by a licensed operator who is at least eighteen years of age, has had at least one
15 year of driving experience, and who is occupying a seat beside the driver. The holder of an

1 instruction permit may apply for a restricted permit or operator's license after holding a valid
2 instruction permit for one hundred eighty continuous days. A motorcycle instruction permit
3 entitles the holder, while having the permit in the permit holder's immediate physical possession,
4 to operate a motorcycle during the hours of 6 a.m. to 8 p.m. if the permit holder is accompanied
5 by a licensed motorcycle operator who is at least eighteen years of age, who has at least one year
6 of driving experience and who is driving another motorcycle along with the permit holder. No
7 motorcycle instruction permit holder may carry another person on the motorcycle. The permit
8 is valid for ~~thirty days. The permit may be issued only once in a one-year period~~ one year.

9 Section 2. That § 32-12-12 be amended to read as follows:

10 32-12-12. A restricted minor's permit may be issued, upon application and payment of the
11 proper fee as provided for in § 32-12-16, to a minor at least fourteen years of age but less than
12 eighteen years of age who has successfully passed all driver's license examination tests and
13 completed the requirements of an instruction permit as outlined in § 32-12-11 and has not been
14 convicted of a traffic violation during the past six months. For any such minor who has
15 successfully completed a driver education class that has been approved by the ~~Division of~~
16 ~~Education Services and Resources~~ Department of Education and Cultural Affairs, the required
17 minimum time period for holding the instruction permit in order to qualify for the restricted
18 minor's permit is ninety continuous days. A restricted minor's permit entitles the holder, while
19 having the permit in immediate physical possession, to operate a motor vehicle during the hours
20 of 6 a.m. to 8 p.m. standard time if the motor vehicle is being operated with the permission of
21 the minor's parents or guardian and during the hours of 8 p.m. to 6 a.m. if the motor vehicle is
22 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 restricted minor's permit operating a
25 self-propelled agricultural machine which is not subject to registration under chapter 32-5.

1 A motorcycle restricted minor's permit may be issued, upon application and payment of the
2 proper fee as provided for in § 32-12-16, to a minor at least fourteen years of age but less than
3 eighteen years of age who has successfully passed all motorcycle driver's license examination
4 tests and has not been convicted of a traffic violation during the past six months. For any minor
5 who has successfully completed the motorcycle safety education courses provided by § 32-20-14
6 and a driver education class that has been approved by the Department of Education and Cultural
7 Affairs or by the secretary of commerce and regulation, the required minimum time period for
8 holding the motorcycle instruction permit to qualify for the motorcycle restricted minor's permit
9 is thirty continuous days. A motorcycle restricted minor's permit entitles the holder, while having
10 the permit in immediate physical possession, to operate a motorcycle during the hours of 6 a.m.
11 to 8 p.m. standard time if the motorcycle is being operated with the permission of the minor's
12 parents or guardian.

13 Section 3. That § 32-12-17 be amended to read as follows:

14 32-12-17. The Department of Commerce and Regulation shall, upon payment of the fee
15 established by § 32-12-16, issue to every applicant qualifying therefor an operator's license. An
16 operator's license may be issued to a minor at least sixteen years of age but less than eighteen
17 years of age who has successfully passed all driver's license examination tests and completed the
18 requirements of an instruction permit as provided in § 32-12-11, if the applicant has not been
19 convicted of a traffic violation in the past six months, and if the applicant is not currently under
20 suspension, revocation, or disqualification. A motorcycle operator's license may be issued, upon
21 application and payment of the proper fee as provided for in § 32-12-16, to a minor at least
22 sixteen years of age but less than eighteen years of age who currently holds a valid operator's
23 license and has successfully passed all motorcycle driver's license examination tests. A
24 motorcycle operator's license may be issued to a minor at least sixteen years of age but less than
25 eighteen years of age who does not currently hold a valid operator's license if the minor has

1 passed all motorcycle driver's license examination tests, has not been convicted of a traffic
2 violation during the past six months, and currently holds a motorcycle instruction permit that has
3 been valid continuously for one hundred eighty days. For any minor who has successfully
4 completed the motorcycle safety education courses provided by § 32-20-14 and a driver
5 education class that has been approved by the Department of Education and Cultural Affairs or
6 by the secretary of commerce and regulation, the required minimum time period for holding the
7 motorcycle instruction permit to qualify for the motorcycle operator's license is thirty continuous
8 days. The license shall bear thereon a distinguishing number assigned to the licensee, the full legal
9 name or any name lawfully taken, date of birth, residence address, an indication if the licensee
10 is a donor pursuant to chapter 34-26, an indication if the licensee as a living will pursuant to
11 chapter 34-12D or a durable power of attorney for health care pursuant to chapter 59-7, a color
12 photo and a brief description of the licensee, and the licensee's signature. The department shall
13 indicate upon each driver's license the general class of vehicles which the licensee may drive.

1 **BILL HISTORY**

2 1/15/00 First read in Senate and referred to Judiciary. S.J. 57

3 1/17/00 Scheduled for Committee hearing on this date.

4 1/19/00 Scheduled for Committee hearing on this date.

5 1/19/00 Judiciary Do Pass, Passed, AYES 6, NAYS 0. S.J. 109

6 1/20/00 Senate Deferred to another day. S.J. 131

7 1/21/00 Senate Do Pass, Passed, AYES 34, NAYS 1. S.J. 143

8 1/24/00 First read in House and referred to committee assignment waived. H.J. 214

9 1/25/00 Referred to Judiciary.

10 2/4/00 Scheduled for Committee hearing on this date.

11 2/7/00 Scheduled for Committee hearing on this date.

12 2/7/00 Judiciary Do Pass, Failed, AYES 6, NAYS 6.

13 2/7/00 Deferred to 36th legislative day, AYES 8, NAYS 4. H.J. 447

14 2/16/00 Judiciary Hog Housed.

15 2/16/00 Judiciary Reconsidered, AYES 11, NAYS 0.

16 2/16/00 Judiciary Do Pass Amended, Passed, AYES 13, NAYS 0. H.J. 704

17 2/18/00 House of Representatives Deferred to another day. H.J. 764

18 2/22/00 House of Representatives Do Pass Amended, Passed, AYES 61, NAYS 0. H.J. 789

19 2/23/00 Senate failed to concur, appoint Conference Committee. S.J. 626

20 2/24/00 Senate Conference committee report adopted Passed, AYES 30, NAYS 0. S.J. 676

21 2/24/00 Senate Conference Committee Report.

22 2/25/00 House of Representatives Conference Committee Report.