

State of South Dakota

SEVENTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2000

664D0204

HOUSE JUDICIARY COMMITTEE

ENGROSSED NO. **SB60** - 2/17/00

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 except a motorcycle license, that has been valid continuously for one hundred eighty days, shall
8 apply to the Department of Commerce and Regulation for an instruction permit which shall be
9 held for a minimum of one hundred eighty continuous days. The department may, after the
10 applicant has successfully passed all parts of the examination other than the driving test and paid
11 a fee which is equal in amount to the fee prescribed for a driver's license in § 32-12-16, issue to
12 the applicant an instruction permit. The instruction permit entitles the applicant while having the
13 permit in the applicant's immediate possession to drive a motor vehicle upon the public highways
14 for a period of one year if accompanied by a licensed operator who is at least eighteen years of
15 age, has had at least one year of driving experience, and who is occupying a seat beside the

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

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

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

1 registration under chapter 32-5.

2 A restricted motorcycle minor's permit may be issued, upon application and payment of the
3 proper fee as provided for in § 32-12-16, to a minor at least fourteen years of age but less than
4 eighteen years of age who has successfully passed all driver's motorcycle license examination
5 tests and has not been convicted of a traffic violation during the past six months. For any minor
6 who has successfully completed the motorcycle safety education courses provided by § 32-20-14
7 and a driver education class that has been approved by the Division Education Services and
8 Resources, the required minimum time period for holding the motorcycle instruction permit to
9 qualify for the restricted minor's permit is thirty continuous days. A restricted motorcycle minor's
10 permit entitles the holder, while having the permit in immediate physical possession, to operate
11 a motorcycle during the hours of 6 a.m. to 8 p.m. standard time if the motorcycle is being
12 operated with the permission of the minor's 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. The license shall bear thereon a distinguishing number
21 assigned to the licensee, the full legal name or any name lawfully taken, date of birth, residence
22 address, an indication if the licensee is a donor pursuant to chapter 34-26, an indication if the
23 licensee as a living will pursuant to chapter 34-12D or a durable power of attorney for health
24 care pursuant to chapter 59-7, a color photo and a brief description of the licensee, and the
25 licensee's signature. The department shall indicate upon each driver's license the general class of

1 vehicles which the licensee may drive.

2 A operator's motorcycle license may be issued, upon application and payment of the proper
3 fee as provided for in § 32-12-16, to a minor at least sixteen years of age but less than eighteen
4 years of age who has successfully passed all driver's motorcycle license examination tests and has
5 not been convicted of a traffic violation during the past six months. For any minor who has
6 successfully completed the motorcycle safety education courses provided by § 32-20-14 and a
7 driver education class that has been approved by the Division Education Services and Resources,
8 the required minimum time period for holding the motorcycle instruction permit to qualify for
9 the operator's motorcycle license is thirty continuous days.

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