

# State of South Dakota

SEVENTY-SIXTH SESSION  
LEGISLATIVE ASSEMBLY, 2001

390E0002

## HOUSE BILL NO. 1228

Introduced by: Representatives McCoy and Hennies (Thomas)

1 FOR AN ACT ENTITLED, An Act to provide for the suspension of driving privileges of certain  
2 students who are truant or who have been suspended or expelled from school.

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

4 Section 1. That chapter 13-27 be amended by adding thereto a NEW SECTION to read as  
5 follows:

6 The driver's license or driving privileges of any student who is truant may be revoked as  
7 provided in this section. If a student is absent from school without a valid excuse from the  
8 student's parent or guardian for five or more days in the same school year, the superintendent of  
9 schools or the chief administrator of the school shall notify the student and the student's parent  
10 or guardian that the student's driver's license or driving privileges will be revoked if the student  
11 is absent without valid excuse from the parent or guardian for more than five days during the  
12 remainder of the school year. The notification shall be by mail to the last known address of the  
13 student and the parent or guardian. If the student is again absent without valid excuse after  
14 receipt of the first notification, the superintendent or chief administrative officer shall notify the  
15 student and the student's parent or guardian that the student's driver's license or driving privileges

1 will be revoked. The second notice shall be mailed to the last known address of the student and  
2 the parent or guardian and shall advise the student and parent or guardian of the school or school  
3 district's intent to seek administrative revocation of the driver's license for truancy as provided  
4 in this section. The second notice shall advise the licensee of all administrative due process rights,  
5 including the right to request a fair hearing pursuant to chapter 1-26 within ten days following  
6 service of the notice. If the student or the parent or guardian fails to request a hearing within ten  
7 days of service of the second notice, the superintendent or chief administrative officer of the  
8 school shall request the Department of Commerce and Regulation to revoke the student's drivers  
9 license or driving privileges. If a student or parent or guardian makes a timely request for a  
10 hearing, a hearing shall be provided pursuant to chapter 1-26. Upon receipt of a request from the  
11 superintendent or chief administrative officer pursuant to this section or upon entry of an  
12 administrative decision that determines that the student has been truant as provided in this  
13 section, the Department of Commerce and Regulation shall enter an order revoking the student's  
14 driver's license or driving privileges. Revocation of a driver's license or driving privileges under  
15 this section is for a period of ninety days for the first occurrence and one year for subsequent  
16 occurrences. The South Dakota Board of Education shall promulgate rules pursuant to chapter  
17 1-26 to implement the provisions of this section as they pertain to the functions of the school or  
18 school district. The Department of Commerce and Regulation shall promulgate rules pursuant  
19 to chapter 1-26 to implement the provisions of this section as they pertain to the functions of the  
20 Department of Commerce and Regulation.

21 Section 2. That chapter 13-32 be amended by adding thereto a NEW SECTION to read as  
22 follows:

23 The driver's license or driving privileges of any student who is suspended or expelled  
24 pursuant to this chapter may be revoked as provided in this section. If a student is suspended or

1 expelled pursuant to this chapter, the superintendent of schools or the chief administrator of the  
2 school shall notify the student and the student's parent or guardian that the school district intends  
3 to seek administrative revocation of student's driver's license or driving privileges pursuant to  
4 this Act as a result of the student's suspension or expulsion. The notification shall be by mail to  
5 the last known address of the student and the parent or guardian. The notice shall advise the  
6 licensee of all administrative due process rights, including the right to request a fair hearing  
7 pursuant to chapter 1-26 within ten days following service of the notice. If the student or the  
8 parent or guardian fails to request a hearing within ten days of service of the notice, the  
9 superintendent or chief administrative officer of the school shall request the Department of  
10 Commerce and Regulation to revoke the student's drivers license or driving privileges. If a  
11 student or parent or guardian makes a timely request for a hearing, a hearing shall be provided  
12 pursuant to chapter 1-26. Upon receipt of a request from the superintendent or chief  
13 administrative officer pursuant to this section or upon entry of an administrative decision that  
14 determines that the student has been suspended or expelled in accordance with the provisions  
15 of this chapter, the Department of Commerce and Regulation shall enter an order revoking the  
16 student's driver's license or driving privileges. Revocation of a driver's license or driving  
17 privileges under this section is for a period of at least thirty days but not to exceed ninety days  
18 for the first occurrence and one year for subsequent occurrences. The South Dakota Board of  
19 Education shall promulgate rules pursuant to chapter 1-26 to implement the provisions of this  
20 section as they pertain to the functions of the school or school district. The Department of  
21 Commerce and Regulation shall promulgate rules pursuant to chapter 1-26 to implement the  
22 provisions of this section as they pertain to the functions of the Department of Commerce and  
23 Regulation.