

State of South Dakota

SEVENTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2001

745E0745

SENATE BILL NO. 207

Introduced by: Senator de Hueck and Representative Lange

1 FOR AN ACT ENTITLED, An Act to prohibit the use of certain hand-held devices by motor
2 vehicle drivers, to provide for certain exemptions, and to provide a penalty therefor.

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

4 Section 1. It is unlawful to operate a cellular telephone, computer, facsimile, or other
5 portable or laptop device , while operating a motor vehicle, if the operation of the device requires
6 holding the device, or a portion of the device, with one or both hands.

7 The operator of a motor vehicle may use a cellular telephone, computer, facsimile, or other
8 portable or laptop device if the device is equipped with a hands-free feature such as a speaker
9 system, number storage, or voice recognition if the operator of the motor vehicle exercises a high
10 degree of caution in the operation of the motor vehicle.

11 The operator of a motor vehicle may use a cellular telephone, computer, facsimile, or other
12 portable or laptop device that is not equipped with a hands-free feature only if:

- 13 (1) The person is operating an emergency or mass transit vehicle and the operation of that
14 device is required during the course of the operation of that vehicle; or
15 (2) The operator of the motor vehicle has safely removed the vehicle out of the stream

1 of traffic to the shoulder of a highway or other safe area off the highway and brought
2 the vehicle to a complete stop; or

3 (3) The operator of the motor vehicle is involved in any emergency, observes an
4 emergency situation, or observes the operator of another motor vehicle driving in a
5 reckless, negligent, or dangerous manner or apparently driving under the influence of
6 alcohol or drugs, and the use of that device is necessary to report that emergency or
7 observation to appropriate authorities.

8 Section 2. Nothing in this Act prevents any passenger or occupant of a motor vehicle, other
9 than the operator, from using a hand-held cellular telephone, computer, facsimile, or other
10 portable or laptop device while the motor vehicle is in motion.

11 Section 3. Any person who violates section 1 of this Act is guilty of a petty offense pursuant
12 to the provisions of chapter 23-1A.