

State of South Dakota

SEVENTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2002

673H0673

SENATE ENGROSSED NO. **SB 148** - 01/25/2002

Introduced by: Senators Brosz, Brown (Arnold), Daugaard, and Whiting and Representatives Solum, Koistinen, and Konold

1 FOR AN ACT ENTITLED, An Act to revise and extend certain provisions relating to the
2 licensure of drivers who have experienced epileptic, narcoleptic, or other convulsions,
3 seizures, or blackouts.

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

5 Section 1. That § 32-12-5.1 be amended to read as follows:

6 32-12-5.1. The Department of Commerce and Regulation ~~may~~ shall deny the issuance of a
7 motor vehicle operator's license, motorcycle operator's license, restricted minor's permit,
8 motorcycle restricted minor's permit, instruction permit, or motorcycle instruction permit to any
9 individual who has experienced epileptic, narcoleptic, or other convulsions, seizures, or
10 blackouts, until the individual has experienced a period of twelve months without any such
11 episode. However, upon receipt of a statement signed by the applicant that the applicant's
12 condition is adequately controlled by medication, the applicant is continuing to take medication,
13 and the applicant is under the care of a physician, the Department of Commerce and Regulation
14 may, after verifying the accuracy of the statement with the named physician, issue a temporary
15 permit to the applicant. This temporary permit is subject to the provisions of § 32-12-36 and is



1 reviewable by the department every six months, or until the applicant has gone a period of twelve
2 months without any episode.

3 Section 2. That chapter 32-12 be amended by adding thereto a NEW SECTION to read as
4 follows:

5 The Department of Commerce and Regulation shall revoke, for a period of twelve months,
6 any motor vehicle operator's license and any other such licenses or permits previously issued to
7 an individual who, during an epileptic, narcoleptic, or other convulsion, seizure, or blackout,
8 causes a motor vehicle or motorcycle accident resulting in death, serious bodily injury, or
9 substantial property damage. At the conclusion of the twelve-month period, the individual is
10 eligible to apply for a temporary permit pursuant to the conditions provided in § 32-12-5.1.