

State of South Dakota

EIGHTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 2007

707N0773

SENATE BILL NO. 213

Introduced by: Senators Greenfield, Abdallah, Dempster, Koetzle, McCracken, Olson (Ed),
and Turbak and Representatives Noem, Ahlers, Hackl, Juhnke, Novstrup
(David), Nygaard, Tidemann, and Willadsen

1 FOR AN ACT ENTITLED, An Act to require a driver or owner of a moped used on a public
2 highway to maintain a form of financial responsibility on the moped.

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

4 Section 1. That § 32-35-113 be amended to read as follows:

5 32-35-113. Every driver or owner of a motor vehicle, required to be registered in this state,
6 or of a moped as defined in § 32-3-1 that is being driven on a public highway shall at all times
7 maintain in force one of the forms of financial responsibility on the motor vehicle or the moped
8 by one of the following methods:

- 9 (1) Having in force on the motor vehicle an owner's policy of liability insurance as
10 provided in § 32-35-70;
- 11 (2) Having in force a bond as provided in § 32-35-83;
- 12 (3) Having a certificate of deposit of money or securities as provided in § 32-35-87, but
13 in the amount of fifty thousand dollars; or
- 14 (4) Having a certificate of self-insurance, as provided in §§ 32-35-90 and 32-35-91,
15 supplemented by an agreement by the self-insurer that, with respect to accidents



1 occurring while the certificate is in force, ~~he~~ the self-insurer will pay the same
2 amounts that an insurer would have been obligated to pay under an owner's motor
3 vehicle liability policy if it had issued such a policy to ~~said~~ the self-insurer.

4 Failure to maintain financial responsibility is a Class 2 misdemeanor.

5 Section 2. That § 32-35-114 be amended to read as follows:

6 32-35-114. Every person, who drives a motor vehicle, required to be registered in this state,
7 or who drives a moped as defined in § 32-3-1 on a public highway, if requested by a law
8 enforcement officer as a secondary action when the driver of the vehicle is detained for a
9 suspected violation of Title 32 or some other offense, shall provide evidence of financial
10 responsibility.

11 Section 3. That § 32-35-116 be amended to read as follows:

12 32-35-116. If a driver of a motor vehicle required to be registered in the state or of a moped
13 as defined in § 32-3-1 that is being driven on a public highway is cited for a violation of Title
14 32 or is involved in a reportable motor vehicle accident, the driver of the motor vehicle or
15 moped shall furnish written evidence of financial responsibility upon request of the law
16 enforcement officer issuing the citation or investigating the accident. The law enforcement
17 officer shall indicate whether the driver has produced evidence of financial responsibility on the
18 citation and shall write the driver's evidence of financial responsibility on the accident report.
19 If the driver fails to provide evidence of financial responsibility at the time the citation or the
20 accident report is issued, the law enforcement officer may issue the driver a citation for a
21 violation of § 32-35-113.