

2:03:01:01. Forms for petty offense complaints and summons. Either Form A or B, or any other form that substantially complies with Form A or B, shall be used as a petty offense summons and complaint. If Form A is used, a power of attorney form in substantial compliance with § 2:03:01:03 shall be attached.

(1) Form A:

**UNIFORM TRAFFIC TICKET
SUMMONS-COMPLAINT**

PCN _____

State of South Dakota

County of _____

State of South Dakota (Plaintiff)

vs

In Circuit Court
Magistrate Division
Judicial Court

(Defendant)

No. _____ HP

THE UNDERSIGNED PEACE OFFICER COMPLAINS AND STATES THAT
ON OR ABOUT _____ AT OR NEAR (LOCATION/MILE POST)

AT TIME
A.M.
P.M.

WITHIN THE COUNTY AND STATE AFORESAID

NAME _____ HEIGHT _____ SEX _____

ADDRESS _____ WEIGHT _____

CITY _____ STATE _____ BIRTH DATE _____

DRIVER'S LICENSE NO. _____ STATE _____

DID OPERATE PARK VEHICLE MAKE BODY STYLE
UNLAWFULLY _____

STATE LICENSE NO. _____ YEAR _____ STATE _____ FR _____ Y
_____ N

AND THEN AND THERE COMMIT THE FOLLOWING OFFENSE TO WIT:

PETTY OFF _____ MIS _____

DESCRIBE VIOLATION:

CDL _____ Y _____ N
C Veh. _____ Y _____ N _____ E
Haz. Materials _____ Y _____ N

in violation of SDCL _____

SPEEDING _____ Municipal
_____ Interstate
_____ Other _____ M.P.H. IN _____ M.P.H. ZONE

OFFICER ISSUING SUMMONS NO. CITY COUNTY STATE

ABOVE COMPLAINT IS TRUE AS I VERILY BELIEVE DATE
OFFICER SIGN IN PRESENCE OF COURT OR NOTARY

SUBSCRIBED AND SWORN TO ME THIS DATE (NAME AND TITLE)

DATE

SUMMONS and PROMISE TO APPEAR

Defendant is ordered and does promise to appear in the above Court located in the city of

on

at

a.m.
p.m.

X _____
Defendant's signature

(Signing this form is a promise to appear - not an admission of guilt. Violation of promise to appear is a Class 2 misdemeanor, and a warrant may be issued.)

____ Yes ____ No Court appearance required.
____ Yes ____ No Power of attorney in lieu of appearance. Amount \$ _____

(2) Form B:

**UNIFORM TRAFFIC TICKET
SUMMONS-COMPLAINT**

State of South Dakota

In Circuit Court
Magistrate Division
Judicial Court

County of _____

State of South Dakota (Plaintiff)

vs

(Defendant)

THE UNDERSIGNED PEACE OFFICER COMPLAINS AND STATES THAT
ON OR ABOUT AT OR NEAR (LOCATION/MILE POST)

AT TIME
A.M.
P.M.

WITHIN THE COUNTY AND STATE AFORESAID

NAME HEIGHT SEX

ADDRESS WEIGHT

CITY STATE BIRTH DATE

DRIVER'S LICENSE NO. STATE

DID OPERATE PARK VEHICLE MAKE BODY STYLE
UNLAWFULLY _____

STATE LICENSE NO. YEAR STATE FR ____ Y
____ N

AND THEN AND THERE COMMIT THE FOLLOWING OFFENSE TO WIT:

PETTY OFF ____ MIS ____

DESCRIBE VIOLATION:

CDL ____ Y ____ N

C Veh. ☐ Y ☐ N ☐ E
Haz. Materials ☐ Y ☐ N

in violation of SDCL _____

SPEEDING ☐ Municipal
☐ Interstate
☐ Other _____ M.P.H. IN _____ M.P.H. ZONE

OFFICER ISSUING SUMMONS	NO.	CITY	COUNTY	STATE
_____	_____	_____	_____	_____

ABOVE COMPLAINT IS TRUE AS I VERILY BELIEVE
OFFICER SIGN IN PRESENCE OF COURT OR NOTARY

SUBSCRIBED AND SWORN TO ME THIS DATE (NAME AND TITLE) _____ DATE _____

SUMMONS and PROMISE TO APPEAR

Defendant is ordered and does promise to appear in the above Court located in the city of

_____ on _____ at _____
a.m.
p.m.

X _____
Defendant's signature

(Signing this form is a promise to appear - not an admission of guilt. Violation of promise to appear is a Class 2 misdemeanor, and a warrant may be issued.)

☐ Yes ☐ No Court appearance required.
☐ Yes ☐ No Power of attorney in lieu of appearance. Amount \$ _____

PETTY OFFENSES: If charged with a petty offense involving the operation and use of a motor vehicle and you possess or have proof of a valid South Dakota driver's license, you may choose alternatives 1, 2 or 3 below. If unable to meet the license requirement or if charged with a non-traffic offense, you may choose alternate 2 or 3 below. Upon refusal of the following alternatives you will be taken immediately to a magistrate for hearing.

1. Promise to Appear. You may sign the complaint as a written promise to appear. Intentional failure to appear is a Class 2 misdemeanor

2. Admission and Deposit. You may sign a stipulation admitting the allegations in the complaint which, together with the required deposit, will be filed with the clerk of courts.

3. Deposit. You may immediately mail said deposit to the clerk of courts or personally make the deposit, either alternative to be in the presence of the officer. Refer to schedule of petty offenses for amount required for the deposit.

If you choose alternative 2 or 3 and do not appear in court on the date specified, the clerk will enter judgment against you and you will forfeit your deposit. You may appear in court after signing an admission and the court may, upon motion, relieve you from the stipulation and the effects thereof.

Source: 4 SDR 64, effective March 26, 1978; 27 SDR 53, effective December 4, 2000.

General Authority: SDCL 23-1A-2.

Law Implemented: SDCL 23-1A-2.