

State of South Dakota

EIGHTY-SECOND SESSION LEGISLATIVE ASSEMBLY, 2007

508N0111

HOUSE BILL NO. 1004

Introduced by: Representatives Pederson (Gordon), Dennert, and Heineman and Senators Olson (Ed), Gray, Hunhoff, Koetzle, and Peterson (Jim) at the request of the Executive Board of the Legislative Research Council

1 FOR AN ACT ENTITLED, An Act to revise the penalty for misuse of any aircraft or vehicle
2 owned or leased by the state.

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

4 Section 1. That § 5-25-1.1 be amended to read as follows:

5 5-25-1.1. Vehicles owned or leased by the state may be used only in the conduct of state
6 business. No state officer or employee, except the Governor, law enforcement officers of the
7 South Dakota Highway Patrol, law enforcement officers of the Division of Criminal
8 Investigation, and conservation officers may use, or permit the use of, any state-owned motor
9 vehicle other than in the conduct of state business. Nothing in this section prohibits any use of
10 any state vehicle, if, in order to provide for the most efficient use of state equipment or
11 personnel, supervisory personnel issue written instructions to any state employee to use a state
12 vehicle for transportation:

13 (1) Between the employee's permanent residence and work station; or

14 (2) Between the employee's temporary residence or eating place and work station if
15 assigned to a locality other than the employee's permanent residence.



1 For purposes of this section, any aircraft owned or leased by the state may be used only in
2 the conduct of state business. None of the exceptions listed above are applicable regarding the
3 use of any aircraft owned or leased by the state or any of its agencies.

4 A violation of this section is a Class 2 misdemeanor. The violator is also subject to a civil
5 action by the State of South Dakota in circuit court for the recovery of a civil penalty of not
6 more than one thousand (~~\$1,000~~) dollars plus ten times the cost incurred by the state for misuse
7 of ~~the vehicle~~ any aircraft owned or leased by the state. An action for the recovery of a civil
8 penalty or compensatory damages shall, upon demand, be tried by a jury.