

Committee: Senate Transportation

Friday, February 05, 2021 7:45 AM

Roll Call

Present: Sen. Castleberry, Sen. Duvall, Sen. Heinert, Sen. Schoenfish, Sen. Crabtree, and Sen. Symens

Excused: Sen. Zikmund

OTHERS PRESENT: See Original Minutes

**The meeting was called to order by Senator Duvall**

**MOTION: TO APPROVE THE MINUTES OF WEDNESDAY, FEBRUARY 03<sup>RD</sup>**

Moved by: Crabtree  
Second by: Schoenfish  
Action: Prevailed by voice vote

**SB 93 : make an appropriation to rehabilitate the rail line from west of the city of Fort Pierre through the city of Midland and to declare an emergency.**

Presented by: Senator Jessica Castleberry  
Proponents: Dean Krogman, Rapid City, Pierre & Eastern Railroad Inc, Pittsburgh Jerry Vest, Rapid City, Pierre & Eastern Railroad Inc, Pittsburgh (Handout(s) 1, 2, 3) Brenda Forman, South Dakota Association of Cooperatives, Pierre Anna M. Hays, Elevate Rapid City, Rapid City  
Opponents: Lara Williams, Bureau of Finance and Management

**MOTION: AMEND SB 93**

93A

On page 1, line 7, of the Introduced bill, after "Midland." insert " This appropriation is contingent upon the receipt of a federal grant for that rehabilitation project."

Moved by: Crabtree  
Second by: Schoenfish  
Action: Prevailed by voice vote

**MOTION: REFER SB 93 TO JOINT COMMITTEE ON APPROPRIATIONS AS AMENDED DO PASS**

Moved by: Symens  
Second by: Heinert  
Action: Prevailed by Majority Members Elect (6-0-1-0)

Voting Yes: Castleberry, Duvall, Heinert, Schoenfish, Crabtree, and Symens

Excused: Zikmund

**SB 105 :     revise certain provisions regarding operator's licenses, instruction permits, and restricted minor's permits.**

Presented by: Senator John Wiik

Proponents: Jane Schrank, Department of Public Safety  
Rachel Oglesby, Governor's Office  
Bill Kurtz, Self, Chamberlin

Opponents: William M Van Camp, AAA Allied, Alexandria  
Roger Chase, District 22, Huron  
Richard Tieszen, State Farm Insurance, Pierre  
Doug Abraham, American Property Casualty Insurance Association, Chicago  
Maynard Konechne, South Dakota Emergency Medical Services Assoc., Sioux Falls  
Craig Matson, South Dakota Insurance Alliance, Sioux Falls  
Jennifer Stalley, South Dakota Nurses Association, SIOUX FALLS  
Deb Fischer-Clemens, Avera Health, Sioux Falls

**MOTION:     AMEND SB 105**

105A

On the Introduced bill, delete everything after the enacting clause and insert:

"

**Section 1.** That § 32-12-11 be AMENDED.

32-12-11. Application for license or permit--Persons at least fourteen and less than eighteen--Instruction permit--Restrictions.

Any person who is at least fourteen years of age but less than eighteen years of age applying for a South Dakota operator's license, restricted minor's permit, or instruction permit who does not currently hold an operator's license, motorcycle operator's license, restricted minor's permit, motorcycle restricted minor's permit, instruction permit, or motorcycle instruction permit shall apply to the Department of Public Safety for an instruction permit. The department may, after the applicant has successfully passed all parts of the examination other than the driving test and paid a fee which is equal in amount to the fee prescribed for a license in § 32-12-16, issue to the applicant an instruction permit.

The instruction permit entitles the applicant, while having the permit in the applicant's immediate possession, to drive a motor vehicle upon the public highways for a period of five years during the hours of 6 a.m. to 10 p.m. if accompanied by a person holding a valid operator's license who is at least eighteen years of age, has had at least one year of driving experience, and who is occupying a seat beside the applicant. The applicant is entitled to drive a motor vehicle upon the public highways during the hours of 10 p.m. to 6 a.m. if the motor vehicle is being operated under the direction of the applicant's parent or guardian who is occupying a seat beside the applicant. No holder of an instruction permit may use any type of wireless communication device while operating a motor vehicle upon the public highways.

The holder of an instruction permit ~~who is at least fourteen years of age but less than eighteen years of age~~ may apply for a restricted minor's permit or operator's license after holding a valid instruction permit for ~~at least one hundred eighty continuous days if issued before July 1, 2020, or at least two hundred seventy five days if issued after July 1, 2020.~~ The minor holding the

~~instruction permit issued after July 1, 2020, shall drive a minimum of fifty hours under the supervision of a parent, legal guardian, or licensed driver over the age of eighteen with at least one year of driving experience. Ten of the mandated hours must be in inclement weather and no less than ten hours must be during night time hours. A parent or legal guardian shall attest in writing that the minor has met the instruction permit requirements as set forth in this chapter before the minor can apply for and obtain a restricted minor's permit under § 32-12-12. If an applicant holds an instruction permit that was valid continuously for one hundred eighty days or more, and is currently valid or has been expired for thirty days or less, the department shall waive the knowledge test to upgrade to an operator's license, motorcycle operator's license, restricted minor's permit, or motorcycle restricted minor's permit.~~

**Section 2.** That § 32-12-11.1 be AMENDED.

32-12-11.1. Motorcycle instruction permit--Application requirements--Examination and fee--Restrictions.

Any person who is at least fourteen years of age but less than eighteen years of age applying for a South Dakota motorcycle operator's license, motorcycle restricted minor's permit, or motorcycle instruction permit who does not currently hold an operator's license, motorcycle operator's license, restricted minor's permit, motorcycle restricted minor's permit, instruction permit, or motorcycle instruction permit that has been valid continuously for ~~at least one hundred eighty days if issued before July 1, 2020, or at least two hundred seventy five days if issued on or after July 1, 2020,~~ shall apply to the Department of Public Safety for ~~a motorcycle~~ an instruction permit. The department may, after the applicant has successfully passed all parts of the examination other than the driving test and paid a fee which is equal in amount to the fee prescribed for a license in § 32-12-16, issue to the applicant a motorcycle instruction permit. The ~~motorcycle~~ instruction permit shall be held for at least one hundred eighty continuous days ~~if issued before July 1, 2020, or at least two hundred seventy five days if issued on or after July 1, 2020.~~

A motorcycle instruction permit holder is not required to obtain a motorcycle operator's license or a motorcycle restricted minor's permit if the applicant currently holds an instruction permit, restricted minor's permit, or operator's license that has been valid continuously for one hundred eighty days.

A motorcycle instruction permit entitles the holder, while having the permit in the permit holder's immediate physical possession, to operate a motorcycle during the hours of 6 a.m. to 8 p.m. if the permit holder is accompanied by a licensed motorcycle operator who is at least eighteen years of age, who has at least one year of driving experience, and who is driving another motorcycle along with the permit holder. No motorcycle instruction permit holder may carry another person on the motorcycle. The permit is valid for one year. The holder of ~~a~~ an instruction permit or motorcycle instruction permit who is at least fourteen years of age but less than eighteen years of age may apply for a motorcycle restricted minor's permit or motorcycle operator's license after holding a valid motorcycle instruction permit as required by this section for one hundred eighty continuous days.

**Section 3.** That § 32-12-12 be AMENDED.

32-12-12. Restricted minor's permit--Restrictions on operation.

A restricted minor's permit may be issued, upon application and payment of the proper fees as provided in § 32-12-16, to a minor at least fourteen years of age but less

than eighteen years of age who has successfully passed all applicable tests and completed the requirements of an instruction permit as provided in § 32-12-11 or 32-12-11.1 and has not been convicted of a traffic violation during the past six months. For any such minor who has successfully completed a driver education course that ~~has been approved~~ was taught by an instructor holding a valid driver's education permit issued by the Department of Education or a driver education course that the secretary of the department of public safety has determined has been approved by a state government agency in another state, the required minimum time period for holding the instruction permit in order to qualify for the restricted minor's permit is ninety continuous days ~~if issued before July 1, 2020, or one hundred eighty continuous days if issued on or after July 1, 2020.~~

A restricted minor's permit entitles the holder, while having the permit in immediate physical possession, to operate a motor vehicle during the hours of 6 a.m. to 10 p.m. standard time if the motor vehicle is being operated with the permission of the holder's parent or guardian and during the hours of 10 p.m. to 6 a.m. if the motor vehicle is being operated under the direction of the holder's parent or guardian who is occupying a seat beside the holder. The restrictions as to time of operation and operation under the direction of a parent or guardian do not apply to the holder of a valid restricted minor's permit who is:

- (1) Operating a self-propelled agricultural machine that is not subject to registration under chapter 32-5;
- (2) Operating a motor vehicle while traveling the most direct route to or from school or a school event;
- (3) Operating a motor vehicle while traveling the most direct route to or from any religious worship service or meeting held by a religious organization; or
- (4) Operating a motor vehicle while traveling the most direct route to, from, or in connection with any job, employment, or farm-related work.

No holder of a restricted minor's permit may use any type of wireless communication device while operating a motor vehicle upon the public highways.

~~An operator's license may be issued to a minor at least sixteen years of age but less than eighteen years of age who has successfully completed the requirements set forth in § 32-12-11, has held a restricted minor's permit for at least six months, and has not been convicted of any traffic violations during the six months immediately preceding the application for an operator's license. If the holder applies and makes payment of the required fee thirty one or more days after the expiration date of the restricted minor's permit, the holder shall take the knowledge test as required by § 32-12-4 and may take the skill test for an operator's license.~~

**Section 4.** That § 32-12-12.1 be AMENDED.

32-12-12.1. Motorcycle restricted minor's permit--Application requirements--Examination and fee--Restrictions.

A motorcycle restricted minor's permit may be issued, upon application and payment of the proper fee as provided for in § 32-12-16, to a minor at least fourteen years of age but less than eighteen years of age who has successfully passed all applicable tests and completed the requirements of ~~a motorcycle an~~ instruction permit as outlined in § 32-12-11 and 32-12-11.1 and has not been convicted of a traffic violation during the past six months. For any minor who has successfully completed the motorcycle safety education courses provided by § 32-20-14 and a driver education class that ~~has been approved~~ was taught by an instructor holding a valid driver's education permit issued by the Department of Education or a driver education course that the secretary of

the department of public safety has determined has been approved by a state government agency in another state, the required minimum time period for holding the motorcycle instruction permit to qualify for the motorcycle restricted minor's permit is thirty continuous days ~~if issued before July 1, 2020, or one hundred eighty continuous days if issued on or after July 1, 2020.~~

A motorcycle restricted minor's permit entitles the holder, while having the permit in immediate physical possession, to operate a motorcycle during the hours of 6 a.m. to 8 p.m. standard time if the motorcycle is being operated with the permission of the holder's parents or guardian.

~~A motorcycle operator's license may be issued to a minor at least sixteen years of age but less than eighteen years of age who has successfully completed the requirements set forth in § 32-12-11.1, has held a restricted minor's motorcycle permit for at least six months, and has not been convicted of any traffic violations during the past six months immediately preceding the application for a motorcycle operator's license.~~

**Section 5.** That § 32-12-12.5 be REPEALED.

32-12-12.5. Restricted Minor's Permit--Passenger Limit.

**Section 6.** That § 32-12-15 be AMENDED.

32-12-15. Permits issued on probationary basis--Suspension--Exception.

The issuance of an instruction permit, motorcycle instruction permit, restricted minor's permit, or motorcycle restricted minor's permit is on a probationary basis. The Department of Public Safety upon the receipt of a record of conviction for a traffic violation or for a violation of the restrictions in §§ 32-12-11, 32-12-11.1, 32-12-12, 32-12-12.1, 32-12-13, ~~or 32-12-14, or 32-12-12.5,~~ committed while operating under an instruction permit, motorcycle instruction permit, restricted minor's permit, or motorcycle restricted minor's permit prior to the minor's ~~eighteenth~~ sixteenth birthday shall suspend the minor's driving privileges according to the following schedule:

- (1) A felony or Class 1 misdemeanor traffic conviction--suspension for one hundred eighty days or until the minor's ~~eighteenth~~ sixteenth birthday whichever period is ~~shorter~~ longer or as otherwise required by law;
- (2) A first Class 2 misdemeanor traffic conviction or a comparable conviction of any moving traffic violation of a county or municipal ordinance--suspension for thirty days or as otherwise required by law;
- (3) A first conviction of a violation of the conditions of an instruction permit, a motorcycle instruction permit, a restricted minor's permit, or a motorcycle restricted minor's permit--suspension for thirty days or as otherwise required by law;
- (4) A second Class 2 misdemeanor traffic conviction or a comparable conviction of any moving traffic violation of a county or municipal ordinance--suspension until the minor's ~~eighteenth~~ sixteenth birthday or for ~~one hundred eighty~~ ninety days, whichever period is ~~shorter~~ longer, or as otherwise required by law; and
- (5) A second conviction of a violation of the conditions of an instruction permit, a motorcycle instruction permit, a restricted minor's permit, or a motorcycle restricted minor's permit--suspension until the minor's ~~eighteenth~~ sixteenth birthday or for ~~one hundred eighty~~ ninety days, whichever period is ~~shorter~~ longer, or as otherwise required by law.

No permit may be suspended for a first violation of §§ 32-14-9.1, 32-21-27, 32-25-5, 32-26-20, or 34A-7-7.

If a minor has no instruction permit, motorcycle instruction permit, restricted minor's permit, or motorcycle restricted minor's permit and is convicted of any traffic violation prior to the minor's ~~eighteenth~~ sixteenth

birthday, the department shall suspend or revoke the minor's driving privilege or privilege to apply for a driver license as provided in this section. A conviction for any traffic violation that occurs prior to the issuance of an instruction permit, motorcycle instruction permit, restricted minor's permit, motorcycle restricted minor's permit, motorcycle operator's license or an operator's license shall be placed on the driving record and given the same consideration as any violation that occurs following the issuance of an instruction permit, motorcycle instruction permit, restricted minor's permit, motorcycle restricted minor's permit, motorcycle operator's license, or an operator's license.

**Section 7.** That § 32-12-17 be AMENDED.

32-12-17. Issuance of license--Qualifications.

Upon payment of the fee established by § 32-12-16, the Department of Public Safety shall issue an operator's license to each qualifying applicant. An operator's license may be issued to a minor at least sixteen years of age but less than eighteen years of age who has successfully passed all applicable tests and completed the requirements of an instruction permit as provided in § 32-12-11 and the restricted minor's permit as provided in § 32-12-12 if or 32-12-11.1, if the applicant has not been convicted of a traffic violation in the past six months, and the applicant is not currently under suspension, revocation, or disqualification. If an applicant has successfully completed a driver education course that was taught by an instructor holding a valid driver's education permit issued by the Department of Education or a driver education course that the secretary of the Department of Public Safety has determined to have been approved by a state agency in another state, the required minimum time period for holding the instruction permit to qualify for the operator's license is ninety continuous days.

**Section 8.** That § 32-12-17.1 be AMENDED.

32-12-17.1. Issuance of motorcycle operator's license--Requirements.

Upon payment of the fee established by § 32-12-16, the Department of Public Safety shall issue a motorcycle operator's license to each qualifying applicant. A motorcycle operator's license may be issued to a minor at least sixteen years of age but less than eighteen years of age who has successfully passed all applicable tests and completed the requirements of a motorcycle an instruction permit as provided in § 32-12-11 or 32-12-11.1 and ~~restricted motorcycle minor's permit as provided in § 32-12-12.1~~, if the applicant has not been convicted of a traffic violation during the past six months, and if the applicant is not currently under suspension, revocation, or disqualification. If any applicant has successfully completed the motorcycle safety education courses provided by § 32-20-14 and a driver education class that was taught by an instructor holding a valid driver's education permit issued by the Department of Education or a driver education course that the secretary of the Department of Public Safety has determined has been approved by a state government agency in another state, the required minimum time period for holding the motorcycle instruction permit to qualify for the motorcycle operator's license is thirty continuous days.

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Moved by: Crabtree  
 Second by: Symens  
 Action: Prevailed by voice vote

**MOTION: DEFER SB 105 TO THE 41<sup>ST</sup> LEGISLATIVE DAY**

Moved by: Heinert  
 Second by: Schoenfish  
 Action: Failed by Majority Members Elect (2-4-1-0)

Voting Yes: Heinert and Schoenfish

Voting No: Castleberry, Duvall, Crabtree, and Symens

Excused: Zikmund

**MOTION: DO PASS SB 105 AS AMENDED**

Moved by: Castleberry  
 Second by: Symens  
 Action: Prevailed by Majority Members Elect (4-2-1-0)

Voting Yes: Castleberry, Duvall, Crabtree, and Symens

Voting No: Heinert and Schoenfish

Excused: Zikmund

**SB 136 : change the criteria for a petition to vacate a highway.**

Presented by: Gary Cammack, South Dakota Senator District 26 (Handout(s) 4, 5, 6 )  
 Proponents: Kody R. Kyriss, South Dakota Association of Towns and Townships, Huron  
 Dustin Leiseth, South Dakota Association of Towns and Townships, Huron

**MOTION: AMEND SB 136**

136C

On page 1, line 11, of the Introduced bill, after "supervisors" insert ", having jurisdiction,"  
 On page 1, line 11, of the Introduced bill, after "supervisors " insert "shall provide for a public hearing,  
 as required by § 31-3-7, and after consideration of all information, opinions, and  
 arguments presented, "  
 On page 1, line 11, of the Introduced bill, after "31-3-44, " insert "vacate, "  
 On page 1, line 11, of the Introduced bill, delete " any highway" and insert a comma  
 On page 1, line 16, of the Introduced bill, after "commissioners" insert ", having jurisdiction,"  
 On page 1, line 16, of the Introduced bill, after "commissioners " insert "shall provide for a public  
 hearing, as required by § 31-3-7, and after consideration of all information, opinions,  
 and arguments presented, "  
 On page 1, line 17, of the Introduced bill, after "31-3-44, " insert "vacate, "  
 On page 1, line 17, of the Introduced bill, delete " any highway in the county" and insert ", "  
 On page 1, line 20, of the Introduced bill, after "the " delete "board of supervisors or the "  
 On page 1, line 21, of the Introduced bill, after "jurisdiction, " insert "shall provide for a public  
 hearing, as required by § 31-3-7, and after consideration of all information, opinions,  
 and arguments presented, "  
 Moved by: Crabtree  
 Second by: Castleberry  
 Action: Prevailed by voice vote

**MOTION: DO PASS SB 136 AS AMENDED**

Moved by: Crabtree  
Second by: Castleberry  
Action: Prevailed by Majority Members Elect (5-1-1-0)

Voting Yes: Castleberry, Duvall, Heinert, Schoenfish, and Crabtree

Voting No: Symens

Excused: Zikmund

**MOTION: ADJOURN**

Moved by: Heinert  
Second by: Schoenfish  
Action: Prevailed by voice vote

Hannah Weinheimer, Committee Secretary

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/s/ MARY DUVALL  
Mary Duvall, Chair