



## 2023 South Dakota Legislature

# Senate Bill 61

Introduced by: **Senator Wiik**

1 **An Act to revise driver's license suspensions for restricted permit holders over the**  
 2 **age of sixteen.**

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

4 **Section 1. That § 32-12-15 be AMENDED:**

5 **32-12-15.** The issuance of an instruction permit, motorcycle instruction permit,  
 6 restricted minor's permit, or motorcycle restricted minor's permit is on a probationary  
 7 basis. The Department of Public Safety, upon the receipt of a record of conviction for a  
 8 traffic violation or for a violation of the restrictions in ~~§~~ § 32-12-11, 32-12-11.1, 32-12-  
 9 12, 32-12-12.1, 32-12-13, 32-12-14, or 32-12-12.5, committed while operating under an  
 10 instruction permit, motorcycle instruction permit, restricted minor's permit, or motorcycle  
 11 restricted minor's permit prior to the minor's ~~eighteenth~~ sixteenth birthday, shall suspend  
 12 the minor's driving privileges according to the following schedule:

- 13 (1) ~~A~~ For a felony or Class 1 misdemeanor traffic conviction, suspension for one  
 14 hundred eighty days or until the minor's ~~eighteenth~~ sixteenth birthday, whichever  
 15 period is ~~shorter~~ longer, or as otherwise required by law;
- 16 (2) ~~A~~ For a first Class 2 misdemeanor traffic conviction or a comparable conviction of  
 17 any moving traffic violation of a county or municipal ordinance, suspension for  
 18 thirty days or as otherwise required by law;
- 19 (3) ~~A~~ For a first conviction of a violation of the conditions of an instruction permit, a  
 20 motorcycle instruction permit, a restricted minor's permit, or a motorcycle  
 21 restricted minor's permit, suspension for thirty days or as otherwise required by  
 22 law;
- 23 (4) ~~A~~ For a second Class 2 misdemeanor traffic conviction or a comparable conviction  
 24 of any moving traffic violation of a county or municipal ordinance, suspension  
 25 until the minor's ~~eighteenth~~ sixteenth birthday or for one hundred eighty days,  
 26 whichever period is ~~shorter~~ longer, or as otherwise required by law; and

1           (5) A ~~For a~~ second conviction of a violation of the conditions of an instruction permit,  
 2           a motorcycle instruction permit, a restricted minor's permit, or a motorcycle  
 3           restricted minor's permit, ~~—, suspension~~ suspension until the minor's ~~eighteenth—sixteenth~~  
 4           birthday or for one hundred eighty days, whichever period is ~~shorter~~ longer, or as  
 5           otherwise required by law.

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

8           If a minor has no instruction permit, motorcycle instruction permit, restricted  
 9           minor's permit, or motorcycle restricted minor's permit, and is convicted of any traffic  
 10          violation prior to the minor's eighteenth birthday, the department shall suspend or revoke  
 11          the minor's driving privilege or privilege to apply for a driver license as provided in this  
 12          section. A conviction for any traffic violation that occurs prior to the issuance of an  
 13          instruction permit, motorcycle instruction permit, restricted minor's permit, motorcycle  
 14          restricted minor's permit, motorcycle operator's license, or an operator's license shall must  
 15          be placed on the driving record and given the same consideration as any violation that  
 16          occurs following the issuance of an instruction permit, motorcycle instruction permit,  
 17          restricted minor's permit, motorcycle restricted minor's permit, motorcycle operator's  
 18          license, or an operator's license.