



## 2023 South Dakota Legislature

# Senate Bill 66

Introduced by: **Senator Pischke**

1 **An Act to modify provisions related to the suspension of probationary permits issued**  
 2 **to minors.**

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, 32-12-12.5, 32-12-13, or 32-12-14, ~~or 32-12-12.5~~, committed while~~  
 10 operating under an instruction permit, motorcycle instruction permit, restricted minor's  
 11 permit, or motorcycle restricted minor's permit,  ~~prior to the minor's eighteenth birthday,~~  
 12 shall suspend 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 birthday,  ~~whichever period is~~  
 15 shorter,  ~~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, no permit may be suspended;~~
- 19 (3)  ~~For a second Class 2 misdemeanor traffic conviction or a comparable conviction of~~  
 20  ~~any moving traffic violation of a county or municipal ordinance, suspension for~~  
 21  ~~thirty days or as otherwise required by law;~~
- 22 (4)  ~~For a third and any subsequent Class 2 misdemeanor traffic conviction or a~~  
 23  ~~comparable conviction of any moving traffic violation of a county or municipal~~  
 24  ~~ordinance, suspension until the minor's eighteenth birthday or for one hundred~~  
 25  ~~eighty days, whichever period is shorter, or as otherwise required by law;~~

1       ~~(3)~~(5) AFor a first conviction of a violation of the conditions of an instruction permit, a  
 2           motorcycle instruction permit, a restricted minor's permit, or a motorcycle  
 3           restricted minor's permit—, suspension for thirty days or as otherwise required by  
 4           law; and

5       ~~(4)~~—A second Class 2 misdemeanor traffic conviction or a comparable conviction of any  
 6           moving traffic violation of a county or municipal ordinance—suspension until the  
 7           minor's eighteenth birthday or for one hundred eighty days, whichever period is  
 8           shorter, ~~or as otherwise required by law; and~~

9       ~~(5)~~(6) AFor a second conviction of a violation of the conditions of an instruction permit, a  
 10          motorcycle instruction permit, a restricted minor's permit, or a motorcycle  
 11          restricted minor's permit—, suspension until the minor's eighteenth birthday or for  
 12          one hundred eighty days, whichever period is shorter, or as otherwise required by  
 13          law.

14          ~~No permit may be suspended for a first violation of §§ 32-14-9.1, 32-21-27, 32-~~  
 15          ~~25-5, 32-26-20, or 34A-7-7.~~

16          If a minor has no instruction permit, motorcycle instruction permit, restricted  
 17          minor's permit, or motorcycle restricted minor's permit, and is convicted of any traffic  
 18          violation prior to the minor's eighteenth birthday, the department shall suspend or revoke  
 19          the minor's driving privilege or privilege to apply for a driver license as provided in this  
 20          section. A conviction for any traffic violation that occurs prior to the issuance of an  
 21          instruction permit, motorcycle instruction permit, restricted minor's permit, motorcycle  
 22          restricted minor's permit, motorcycle operator's license, or an operator's license ~~shall~~ must  
 23          be placed on the driving record and given the same consideration as any violation that  
 24          occurs following the issuance of an instruction permit, motorcycle instruction permit,  
 25          restricted minor's permit, motorcycle restricted minor's permit, motorcycle operator's  
 26          license, or an operator's license.