



2023 South Dakota Legislature

House Bill 1103

Introduced by: **Representative** Wittman

1 **An Act to waive the fee for nondriver identification cards for individuals at or below**
2 **the federal poverty level.**

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

4 **Section 1. That chapter 32-12 be amended with a NEW SECTION:**

5 The Department of Public Safety shall waive the fee for an original nondriver
6 identification card or the renewal of a nondriver identification card if the applicant has an
7 annual household income at or below one hundred percent of the federal poverty level.
8 The applicant shall submit evidence to the department, with the application, to verify the
9 applicant's income level.

10 The Department of Public Safety shall promulgate rules, pursuant to chapter 1-26,
11 to establish acceptable forms of evidence to verify income eligibility.

12 **Section 2. That § 32-12-17.2 be AMENDED:**

13 **32-12-17.2.** The Department of Public Safety may issue upon application a
14 nondriver identification card, similar in form but distinguishable in color from a driver
15 licenses license, to any resident ~~of South Dakota~~. Each applicant for a nondriver
16 identification card shall, as part of the application, present to the department a certified
17 copy of a certificate of birth or another form of evidence of date of birth and identity as
18 allowed by § 32-12-3.1. ~~The~~ Except as provided in section 1 of this Act, the fee for an
19 original or reissued nondriver identification card is the same as prescribed for an original
20 driver license in § 32-12-16. Each nondriver identification card expires on the holder's
21 birthday in the fifth year following the issuance of the nondriver identification card, or on
22 the date of expiration of the applicant's authorized stay in the United States as determined
23 by the systematic alien verification for entitlements system or alternate method approved
24 by the United States Department of Homeland Security or, if there is no expiration date,
25 for a period no longer than one year from date of issuance, whichever occurs first. Each

1 nondriver identification card is renewable one hundred eighty days before its expiration
2 upon application and payment of the required fee. Any nondriver identification card
3 renewed before its expiration expires five years after the holder's ensuing birthday, or on
4 the date of expiration of the applicant's authorized stay in the United States as determined
5 by the systematic alien verification for entitlements system or alternate method approved
6 by the United States Department of Homeland Security or, if there is no expiration date,
7 for a period no longer than one year from date of issuance, whichever occurs first. The
8 nondriver identification card shall bear an indication if the holder has a living will pursuant
9 to chapter 34-12D or a durable power of attorney for health care pursuant to chapter 59-
10 7 and an indication if the holder is a veteran pursuant to the provisions of § 32-12-17.15.
11 Any nondriver identification card renewed during the thirty-day period following the date
12 of expiration expires five years from the holder's previous birthday, or on the date of
13 expiration of the applicant's authorized stay in the United States as determined by the
14 systematic alien verification for entitlements system or alternate method approved by the
15 United States Department of Homeland Security or, if there is no expiration date, for a
16 period no longer than one year from date of issuance, whichever occurs first.