

State of South Dakota

EIGHTY-EIGHTH SESSION
LEGISLATIVE ASSEMBLY, 2013

617U0672

HOUSE BILL NO. 1186

Introduced by: Representatives Russell, Campbell, Kaiser, Kopp, May, Nelson, Steele, and Verchio and Senators Adelstein, Begalka, and Jensen

1 FOR AN ACT ENTITLED, An Act to remove a requirement that certain documents presented
2 for driver licensing purposes be copied and retained.

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

4 Section 1. That § 32-12-3.1 be amended to read as follows:

5 32-12-3.1. Any applicant as provided for in this chapter shall, on making application for an
6 operator's license, motorcycle operator's license, restricted minor's permit, motorcycle restricted
7 minor's permit, instruction permit, motorcycle instruction permit, or nondriver identification
8 card, present to the examiner one of the following documents in order to establish identity and
9 date of birth:

10 (1) A certified copy of a United States birth certificate filed with the state office of vital
11 records or equivalent agency;

12 (2) A consular report of birth abroad (United States Department of State form FS-240,
13 DS-1350, or FS-545);

14 (3) A valid, unexpired permanent resident card (form I-551 issued by the United States
15 Department of Homeland Security or Immigration and Naturalization Services);



- 1 (4) An unexpired employment authorization document issued by the United States
2 Department of Homeland Security (form I-766 or I-688B);
- 3 (5) An unexpired foreign passport with a valid, unexpired United States visa affixed
4 accompanied by the approved I-94 form documenting the applicant's most recent
5 entrance into the United States;
- 6 (6) A certificate of naturalization issued by the United States Department of Homeland
7 Security (form N-550 or N-570);
- 8 (7) A certificate of citizenship form N-560 or N-561 issued by the United States
9 Department of Homeland Security;
- 10 (8) A valid driver license issued by this state or another state that meets the requirements
11 of 6 C.F.R. Part 37 as amended through January 1, 2009, and is acceptable by federal
12 agencies for official purposes;
- 13 (9) Any other document designated by the Department of Homeland Security by
14 publication in the Federal Register that establishes identity and date of birth; or
- 15 (10) A valid, unexpired United States passport.

16 For all documentation offered by the applicant to provide evidence of identity, date of birth,
17 social security number or nonwork authorized status, address of principal residence, and lawful
18 status, the department ~~shall make a copy of the documentation and shall retain the copy for ten~~
19 ~~years. All documents retained under this section are confidential~~ may not make a copy of the
20 document. The examiner may, as part of a documented exceptions process, accept other
21 evidence of identity and date of birth of any applicant and lawful status of any United States
22 citizen only if the examiner is satisfied that the applicant cannot, for good reason beyond the
23 applicant's control, produce such primary documents. The examiner shall record the acceptance
24 of any alternative document under the exceptions process. The Department of Public Safety may

1 not require new evidence of birth at the time an application is made by a person holding an
2 operator's license, motorcycle operator's license, restricted minor's permit, motorcycle restricted
3 minor's permit, instruction permit, motorcycle instruction permit, or nondriver identification
4 card, if that person's driver license or nondriver identification card meets the requirements of
5 6 C.F.R. Part 37 as amended through January 1, 2009, is acceptable by federal agencies for
6 official purposes, and is turned in to the department with the application. Any person who
7 obtains a driver license or nondriver identification card pursuant to this section fraudulently or
8 by use of a fraudulently obtained document is guilty of a Class 1 misdemeanor.