

## 2023 South Dakota Legislature

**Senate Bill 199****AMENDMENT 199A  
FOR THE INTRODUCED BILL**

1 **An Act to clarify the requirements for using state aircraft and vehicles.**

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

3 **Section 1. That § 5-25-1.1 be AMENDED:**

4 **5-25-1.1.** Vehicles owned or leased by the state may be used only in the conduct  
5 of state business. No state officer or employee, except the Governor, law enforcement  
6 officers of the South Dakota Highway Patrol, law enforcement officers of the Division of  
7 Criminal Investigation, and conservation officers may use, or permit the use of, any state-  
8 owned motor vehicle other than in the conduct of state business. Nothing in this section  
9 prohibits any use of any state vehicle, if, in order to provide for the most efficient use of  
10 state equipment or personnel, supervisory personnel issue written instructions to any  
11 state employee to use a state vehicle for transportation:

- 12 (1) Between the employee's permanent residence and work station; or  
13 (2) Between the employee's temporary residence or eating place and work station if  
14 assigned to a locality other than the employee's permanent residence.

15 For purposes of this section, any aircraft owned or leased by the state may be used  
16 only in the conduct of state business. None of the exceptions listed above are applicable  
17 regarding the use of any aircraft owned or leased by the state or any of its agencies.

18 A person who is not employed by the state ~~or is not enrolled in an aviation program~~  
19 at an institution under the control of the Board of Regents or the South Dakota Board of  
20 Technical Education may not make use of or ride in an aircraft owned or leased by the  
21 state. State aircraft may not be used by any person to attend a social, recreational,  
22 religious, political, or personal event. For a trip where state aircraft is used in the conduct  
23 of state business ~~that is not required as part of an aviation program offered by an~~  
24 institution under the control of the Board of Regents or the South Dakota Board of  
25 Technical Education, the route taken must be the shortest and most direct route to the  
26 location where the state business is to be conducted, and the duration of the trip may not

1 be extended so that a state official or employee may attend a social, recreational,  
2 religious, political, or personal event.

3 For purposes of this section, the term, state business, means any activity directed  
4 and authorized by an office, department, institution, board, or agency of the state to  
5 advance a policy or purpose of the state entity.

6 A violation of this section is a Class 2 misdemeanor. The violator is also subject to  
7 a civil action by the State of South Dakota in circuit court for the recovery of a civil penalty  
8 of not more than one thousand dollars plus ten times the cost incurred by the state for  
9 misuse of any aircraft owned or leased by the state. An action for the recovery of a civil  
10 penalty or compensatory damages shall, upon demand, be tried by a jury.

