



2023 South Dakota Legislature
Senate Bill 61
ENROLLED

AN ACT

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

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

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

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

- (1) For a felony or Class 1 misdemeanor traffic conviction, suspension for one hundred eighty days or until the minor's sixteenth birthday, whichever period is longer, or as otherwise required by law;
- (2) For a first Class 2 misdemeanor traffic conviction or a comparable conviction of any moving traffic violation of a county or municipal ordinance, suspension for thirty days or as otherwise required by law;
- (3) For a first conviction of a violation of the conditions of an instruction permit, a motorcycle instruction permit, a restricted minor's permit, or a motorcycle restricted minor's permit, suspension for thirty days or as otherwise required by law;
- (4) For a second Class 2 misdemeanor traffic conviction or a comparable conviction of any moving traffic violation of a county or municipal ordinance, suspension until the minor's sixteenth birthday or for one hundred eighty days, whichever period is longer, or as otherwise required by law; and

- (5) For a second conviction of a violation of the conditions of an instruction permit, a motorcycle instruction permit, a restricted minor's permit, or a motorcycle restricted minor's permit, suspension until the minor's sixteenth birthday or for one hundred eighty days, whichever period is longer, or as otherwise required by law. No permit may be suspended for a first violation of §§ 32-14-9.1, 32-21-27, 32-25-5, 32-26-20, or 34A-7-7.

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

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

I certify that the attached Act originated in the:

Received at this Executive Office this ____ day of _____,

Senate as Bill No. 61

2023 at _____ M.

Secretary of the Senate

By _____
for the Governor

President of the Senate

The attached Act is hereby approved this _____ day of _____, A.D., 2023

Attest:

Secretary of the Senate

Governor

STATE OF SOUTH DAKOTA,

ss.

Office of the Secretary of State

Speaker of the House

Attest:

Filed _____, 2023
at _____ o'clock __ M.

Chief Clerk

Secretary of State

Senate Bill No. 61
File No. _____
Chapter No. _____

By _____
Asst. Secretary of State