



## 2025 South Dakota Legislature

# Senate Bill 38

*Introduced by: The Chair of the Committee on Transportation at the request of the Department of Transportation*

1 **An Act to modify requirements for a vehicle approaching a vehicle that is stopped**  
 2 **or occupying the shoulder of the highway with warning lights flashing.**

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

4 **Section 1. That § 32-31-6.1 be AMENDED:**

5 **32-31-6.1.** Upon approaching from any direction any stopped authorized  
 6 emergency vehicle making use of red visual signals meeting the requirements of this title,  
 7 the driver of ~~every other~~ a motor vehicle shall come to a complete stop before reaching  
 8 the stopped emergency vehicle and may, unless otherwise directed, proceed with caution  
 9 only after ascertaining that it is safe to do so, ~~and upon.~~

10 Upon approaching from any direction any ~~stopped~~ vehicle ~~making use of that is~~  
 11 either stopped or occupying the shoulder of the highway, and using amber, yellow, or blue  
 12 warning lights, the driver of ~~every~~ any other motor vehicle ~~shall~~ must:

13 (1) If driving on an interstate highway or other highway with two or more lanes  
 14 traveling in the same direction as the vehicle, merge into the lane farthest from  
 15 the vehicle at least three hundred feet before the vehicle and proceed with caution,  
 16 unless otherwise directed; or

17 (2) If driving on a ~~two-lane~~ two-lane highway, at least three hundred feet before the  
 18 vehicle, slow to a speed that is at least twenty miles per hour less than the posted  
 19 speed limit or five miles per hour when the speed limit is posted at twenty miles  
 20 per hour or less and proceed with caution, unless otherwise directed.

21 A violation of this section is a Class 2 misdemeanor and has a minimum fine of two  
 22 hundred seventy dollars.

23 **Section 2. That § 32-31-6.2 be AMENDED:**

24 **32-31-6.2.** Any ~~person~~ driver of a motor vehicle who, while violating § 32-31-6.1,  
 25 causes an accident, ~~is~~ is guilty of a Class 1 misdemeanor if ~~the~~ the:

- 1        (1)    The accident is with a stopped emergency vehicle making use of its red visual  
2                    signals; or
- 3        (2)    The accident is with any~~stopped~~ vehicle making use of amber, yellow, or blue  
4                    warning lights and the vehicle is either stopped or occupying the shoulder of the  
5                    highway.