



2025 South Dakota Legislature  
**Senate Bill 38**  
**ENROLLED**

AN ACT

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

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

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

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

Upon approaching from any direction any vehicle that is either stopped or occupying the shoulder of the highway, and using amber, yellow, or blue warning lights, the driver of any other motor vehicle must:

- (1) If driving on an interstate highway or other highway with two or more lanes traveling in the same direction as the vehicle, merge into the lane farthest from the vehicle at least three hundred feet before the vehicle and proceed with caution, unless otherwise directed; or
- (2) If driving on a two-lane highway, at least three hundred feet before the vehicle, slow to a speed that is at least twenty miles per hour less than the posted speed limit or five miles per hour when the speed limit is posted at twenty miles per hour or less and proceed with caution, unless otherwise directed.

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

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

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

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

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

\_\_\_\_\_  
I certify that the attached Act originated in  
the:  
Senate as Bill No. 38

\_\_\_\_\_  
Received at this Executive Office  
this \_\_\_\_ day of \_\_\_\_\_,  
2025 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., 2025

Attest:

\_\_\_\_\_  
Secretary of the Senate

\_\_\_\_\_  
Governor

**STATE OF SOUTH DAKOTA,**

ss.

Office of the Secretary of State

\_\_\_\_\_  
Speaker of the House

Attest:

Filed \_\_\_\_\_, 2025  
at \_\_\_\_\_ o'clock \_\_ M.

\_\_\_\_\_  
Chief Clerk

\_\_\_\_\_  
Secretary of State

Senate Bill No. 38  
File No. \_\_\_\_\_  
Chapter No. \_\_\_\_\_

By \_\_\_\_\_  
Asst. Secretary of State