



## 2025 South Dakota Legislature

# Senate Bill 73

SENATE STATE AFFAIRS ENGROSSED

Introduced by: **Senator Hulse**

1 **An Act to amend the definition of principal residence with regard to driver licenses**  
 2 **to conform to voter registration requirements.**

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

4 **Section 1. That § 32-12-1 be AMENDED:**

5 **32-12-1.** ~~For purposes of this chapter, terms are defined in § 32-14-1. Terms~~In  
 6 addition to the terms defined in § 32-14-1, terms used in this chapter mean:

- 7 (1) "Driver license," a document issued by a state or jurisdiction to an individual that  
 8 authorizes the individual to drive a motor vehicle, including an operator's license,  
 9 motorcycle operator's license, restricted minor's permit, motorcycle restricted  
 10 minor's permit, instruction permit, motorcycle instruction permit, and temporary  
 11 permit;
- 12 (2) "Operator's license," any document issued by a state or jurisdiction to an individual  
 13 that bestows full driving privileges upon the individual; and
- 14 (3) "Personally identifiable information," any information that can be used to  
 15 distinguish or trace an individual's identity, such as name, social security number,  
 16 or driver license or nondriver identification card number; and
- 17 (4) "Principal residence," ~~the location where a person currently resides even if at a~~  
 18 temporary address the location where an individual maintains an actual fixed  
 19 permanent dwelling, establishment, or any other abode where the individual lives  
 20 and usually sleeps for at least thirty consecutive days.

21 **Section 2. That § 32-12A-1 be AMENDED:**

22 **32-12A-1.** Terms used in this chapter mean:

- 23 (1) "Alcohol," any substance containing any form of alcohol;

- 1 (2) "Commercial driver license," or "CDL," a license issued in accordance with the  
2 requirements of this chapter to an individual that authorizes the individual to drive  
3 a class of commercial motor vehicle;
- 4 (3) "Commercial driver license information system," or "CDLIS," the information  
5 system established pursuant to the Commercial Motor Vehicle Safety Act (CMVSA)  
6 to serve as a clearinghouse for locating information related to the licensing and  
7 identification of commercial motor vehicle drivers;
- 8 (4) "Commercial learner's permit" or "CLP," a permit issued pursuant to § 32-12A-12;
- 9 (5) "Commercial motor vehicle" or "(CMV)," a motor vehicle designed or used to  
10 transport passengers or property:
- 11 (a) If the vehicle has a gross combination weight rating of twenty-six thousand  
12 one pounds or more and the towed unit has a gross vehicle weight rating  
13 of more than ten thousand pounds;
- 14 (b) If the vehicle has a gross vehicle weight rating of twenty-six thousand one  
15 or more pounds;
- 16 (c) If the vehicle is designed to transport sixteen or more passengers, including  
17 the driver; or
- 18 (d) If the vehicle is of any size and is used in the transportation of hazardous  
19 materials and is required to be placarded in accordance with 49 C.F.R. Part  
20 172, Subpart F, as amended through January 1, 2015;
- 21 (6) "Controlled substance," any substance so classified under section 102(6) of the  
22 Controlled Substances Act (21 U.S.C. § 802(6)), and includes all substances listed  
23 on Schedules I through V, of 21 C.F.R. Part 1308, inclusive, as amended through  
24 January 1, 2015;
- 25 (7) "Conviction," an unvacated adjudication of guilt, or a determination that a person  
26 has violated or failed to comply with the law in a court of original jurisdiction or an  
27 authorized administrative tribunal, an unvacated forfeiture of bail or collateral  
28 deposited to secure the person's appearance in court, a plea of guilty or nolo  
29 contendere accepted by the court, the payment of a fine or court cost, or violation  
30 of a condition of release without bail, regardless of whether or not the penalty is  
31 rebated, suspended, or probated;
- 32 (8) "Department," the Department of Public Safety;
- 33 (9) "Disqualification," any of the following actions:
- 34 (a) The suspension, revocation, or cancellation of a commercial learner's permit  
35 or a commercial driver license by the state or jurisdiction of issuance;

- 1 (b) Any withdrawal of a person's privileges to drive a commercial motor vehicle  
2 by a state or other jurisdiction as the result of a violation of state or local  
3 law relating to motor vehicle traffic control (other than parking, vehicle  
4 weight, or vehicle defect violations); or
- 5 (c) A determination by the Federal Motor Carrier Safety Administration that a  
6 person is not qualified to operate a commercial motor vehicle;
- 7 (10) "Domicile," the state where a person has that person's true, fixed, and permanent  
8 home and principal residence and to which that person has the intention of  
9 returning whenever that person is absent;
- 10 (11) "Drive," to drive, operate, or be in actual physical control of a motor vehicle;
- 11 (12) "Driver," any person who drives, operates, or is in actual physical control of a  
12 commercial motor vehicle, or who is required to hold a commercial learner's permit  
13 or commercial driver license;
- 14 (13) "Employer," any person, including the United States, a state, or a political  
15 subdivision of a state, who owns or leases a commercial motor vehicle, or assigns  
16 a person to drive a commercial motor vehicle;
- 17 (14) "Endorsement," an authorization to a person's commercial learner's permit or  
18 commercial driver license required to allow the person to operate certain types of  
19 commercial motor vehicles;
- 20 (15) "Fatality," the death of a person as the result of a motor vehicle accident;
- 21 (16) "Felony," any offense under state or federal law that is punishable by death or  
22 imprisonment for a term exceeding one year;
- 23 (17) "Foreign jurisdiction," any jurisdiction other than a state of the United States;
- 24 (18) "Gross combination weight rating" or "GCWR," the value specified by the  
25 manufacturer as the loaded weight of a combination (articulated) vehicle. In the  
26 absence of a value specified by the manufacturer, GCWR shall be determined by  
27 adding the GVWR of the power unit and the total weight of the towed unit and any  
28 load thereon;
- 29 (19) "Gross vehicle weight rating," or "GVWR," the value specified by the manufacturer  
30 as the loaded weight of a single vehicle;
- 31 (20) "Hazardous materials," any material that has been designated as hazardous under  
32 49 U.S.C. 5103 as amended through January 1, 2015, and is required to be  
33 placarded under subpart F of 49 C.F.R. part 172 or any quantity of a material listed  
34 as a select agent or toxin in 42 C.F.R. part 73, as amended through January 1,  
35 2015;

- 1 (21) "Imminent hazard," the existence of a condition that presents a substantial  
2 likelihood that death, serious illness, severe personal injury, or a substantial  
3 endangerment to health, property, or the environment may occur before the  
4 reasonably foreseeable completion date of a formal proceeding begun to lessen the  
5 risk of that death, illness, injury, or endangerment;
- 6 (22) "Medical variance," the receipt of one of the following that allows a driver to be  
7 issued a medical certificate:
- 8 (a) An exemption letter permitting operation of a commercial motor vehicle  
9 pursuant to 49 C.F.R. part 381 or 49 C.F.R. part 391, as amended through  
10 January 1, 2015; or
- 11 (b) A skill performance evaluation certificate permitting operation of a  
12 commercial motor vehicle pursuant to 49 C.F.R. part 391, as amended  
13 through January 1, 2015;
- 14 (23) "Motor vehicle," a vehicle, machine, tractor, trailer, or semitrailer propelled or  
15 drawn by mechanical power, used on highways, but does not include any vehicle,  
16 machine, tractor, trailer, or semitrailer operated exclusively on a rail;
- 17 (24) "Noncommercial motor vehicle," a motor vehicle or combination of motor vehicles  
18 not defined as a commercial motor vehicle;
- 19 (25) "Nondomiciled CLP or CDL," a commercial learner's permit or commercial driver  
20 license issued by a state to a person who resides in a foreign jurisdiction or a  
21 person domiciled in another state that is prohibited from issuing commercial driver  
22 licenses by the Federal Motor Carrier Safety Administration;
- 23 (26) "Notice of final administrative decision," a determination rendered by an agency of  
24 competent jurisdiction when all avenues of appeal have been exhausted or time to  
25 appeal has elapsed;
- 26 (27) "Operator's license," any license issued by a state to a person which authorizes the  
27 person full privileges to drive a motor vehicle;
- 28 (28) "Out-of-service order," an out-of-service order as defined by 49 C.F.R. part 390.5,  
29 as of January 1, 2015;
- 30 (29) "Principal residence," the location where an individual currently resides, even if at  
31 a temporary address;
- 32 (30) "Recreational vehicle," a vehicle which is self-propelled or permanently towable by  
33 a light duty truck and designed primarily not for use as a permanent dwelling but  
34 as temporary living quarters for recreational, camping, travel, or seasonal use;

- 1       ~~(30)~~(31) "School bus," any motor vehicle that is used to transport sixteen or more  
2           passengers, including the driver, and is used to transport pre-primary, primary, or  
3           secondary school students from home to school, from school to home, or to and  
4           from school-sponsored events. School bus does not include a bus used as a  
5           common carrier;
- 6       ~~(31)~~(32) "Serious traffic violation," a conviction of:
- 7           (a)     Excessive speeding, involving a single charge of any speed fifteen miles per  
8                   hour or more, above the posted speed limit, in violation of chapter 32-25;
  - 9           (b)     Reckless driving, in violation of § 32-24-1;
  - 10          (c)     Careless driving, in violation of § 32-24-8;
  - 11          (d)     Improper or erratic traffic lane changes, in violation of § 32-26-6;
  - 12          (e)     Following the vehicle ahead too closely, in violation of § 32-26-40;
  - 13          (f)     A violation of any state or local law related to motor vehicle traffic control,  
14                other than a parking violation, arising in connection with a fatal accident;
  - 15          (g)     Failure to stop or yield, in violation of §§ 32-29-2.1, 32-29-2.2, 32-29-3,  
16                and 32-29-4;
  - 17          (h)     Failure to stop or slow vehicle for a school bus, in violation of § 32-32-6;
  - 18          (i)     Eluding a police vehicle, in violation of § 32-33-18;
  - 19          (j)     Overtaking or passing another vehicle, in violation of §§ 32-26-26, 32-26-  
20                27, 32-26-28, 32-26-34, 32-26-35, 32-26-36, and 32-26-37;
  - 21          (k)     Driving a commercial motor vehicle without obtaining a commercial  
22                learner's permit or commercial driver license, in violation of § 32-12A-6;
  - 23          (l)     Driving a commercial motor vehicle without a commercial learner's permit  
24                or commercial driver license in the driver's possession in violation of § 32-  
25                12A-6. Any person who provides proof to the court or to the enforcement  
26                authority that issued the citation, by the date the person was required to  
27                appear in court or to pay a fine for the violation, that the person held a valid  
28                commercial learner's permit or commercial driver license on the date the  
29                citation was issued, is not guilty of a serious traffic violation;
  - 30          (m)     Driving a commercial motor vehicle without the proper class of commercial  
31                learner's permit, commercial driver license, or endorsement for the specific  
32                vehicle group being operated or for the passengers or type of cargo being  
33                transported in violation of § 32-12A-6; or
  - 34          (n)     Violating a federal, state, or local law or rule prohibiting texting while driving  
35                a commercial motor vehicle;

