

State of South Dakota

EIGHTY-NINTH SESSION LEGISLATIVE ASSEMBLY, 2014

825V0459

HOUSE BILL NO. 1080

Introduced by: Representatives Parsley, Bartling, Craig, Gibson, Hawks, Hawley, Heinemann (Leslie), Heinert, Kirschman, Olson (Betty), Peterson, Schoenfish, Schrempp, Soli, Tyler, and Wismer and Senators Jones (Chuck), Begalka, Frerichs, Jones (Tom), Kirkeby, Lucas, Maher, Otten (Ernie), Tieszen, and Van Gerpen

1 FOR AN ACT ENTITLED, An Act to clarify that emergency personnel driving records are not
2 to include motor vehicle accidents resulting while engaged in the performance of their
3 official duties.

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

5 Section 1. That § 58-24-75 be amended to read as follows:

6 58-24-75. No insurer may increase the premium or rate of an insured at policy issuance,
7 during the term of a policy, or at renewal because of an accident if the insured was ~~responding~~
8 ~~to a call of duty~~ lawfully engaged in the performance of official duties as a law enforcement
9 officer, firefighter, emergency medical technician, or operator of emergency snow removal
10 equipment, if the operation of the emergency snow removal equipment is in response to ~~an~~
11 ~~emergency call of duty~~ a request from and in support of a law enforcement officer, firefighter,
12 or emergency medical ~~technician's call to duty~~, technician for any accident:

13 (1) That occurred while the law enforcement officer, firefighter, emergency medical



1 technician, or operator of emergency snow removal equipment was lawfully engaged
2 in the performance of official duties; and

3 (2) That occurred while the law enforcement officer, firefighter, emergency medical
4 technician, or operator of emergency snow removal equipment was driving an ~~official~~
5 emergency vehicle; and

6 (3) For which the law enforcement officer, firefighter, emergency medical technician, or
7 operator of emergency snow removal equipment furnishes notice to the insurer that
8 the accident occurred under circumstances identified in subdivisions (1) and (2) of
9 this section.

10 This section is not applicable to commercial lines policies. Any premium or rate increase in
11 violation of this section, which is made erroneously and does not constitute a continuing
12 business practice of the insurer, may not be the basis of any disciplinary action by the division
13 against the insurer if the insurer refunds any excess premium promptly upon discovery of the
14 error or upon request by the insured.

15 Section 2. That § 32-35-101 be amended to read as follows:

16 32-35-101. The Department of Public Safety shall furnish to any person upon request a
17 certified abstract of the operating record for the last three years of any person subject to the
18 provisions of this chapter. The abstract shall include enumeration of any motor vehicle accidents
19 in which the person has been involved and reference to any convictions of the person for a
20 violation of the motor vehicle laws as reported to the department. No accident may be entered
21 on the driving record of a law enforcement officer, firefighter, or emergency medical technician
22 if the accident ~~resulted from~~ occurred while the law enforcement officer's, firefighter's officer,
23 firefighter, or emergency medical technician's response to a call of duty as a law enforcement
24 officer, firefighter, or emergency medical technician and the law enforcement officer, firefighter,

1 ~~or emergency medical technician~~ technician was lawfully engaged in the performance of official
2 duties and was driving an ~~official~~ emergency vehicle. The accident shall be recorded separately.
3 No accident may be entered on the driving record of an operator of emergency snow removal
4 equipment if the accident resulted from the operator's response to an emergency call of duty as
5 an operator of emergency snow removal equipment and the operator was lawfully engaged in
6 the performance of official duties in support of an emergency call of duty by a law enforcement
7 officer, firefighter, or emergency medical technician and was driving official snow removal
8 equipment. The accident shall be recorded separately. The department shall collect five dollars
9 for each abstract. The fee shall be credited to the state motor vehicle fund. Any governmental
10 entity or subdivision is exempt from this fee.

11 Section 3. That § 32-12-61 be amended to read as follows:

12 32-12-61. The Department of Public Safety shall file all abstracts of court records of
13 convictions received by it under the laws of this state and all accident reports received. The
14 Department of Public Safety shall maintain records or make suitable notations on the individual
15 record of each licensee and any person domiciled in this state who is required to have a driver
16 license showing the convictions, disqualifications, and other licensing actions for violations of
17 any state or local law relating to motor vehicle traffic control committed while the licensee or
18 person was operating any type of vehicle and the traffic accidents in which the licensee or
19 person has been involved. The information shall be readily ascertainable and available for the
20 consideration of the department upon any application for renewal of a license. However, with
21 the exception of convictions resulting from operation of a commercial motor vehicle, no
22 conviction for speeding which is ten miles per hour or less over the posted speed limit and no
23 speeding conviction received from another state may be entered on the licensee's driving record,
24 but may be recorded separately. The separate record may not be made available to the public.

1 No accident may be entered on the driving record of a law enforcement officer, firefighter, or
2 emergency medical technician if the accident ~~resulted from~~ occurred while the law enforcement
3 ~~officer's, firefighter's~~ officer, firefighter, or emergency medical ~~technician's response to a call~~
4 ~~of duty~~ technician was lawfully engaged in the performance of official duties as a law
5 enforcement officer, firefighter, or emergency medical technician and the law enforcement
6 officer, firefighter, or emergency medical technician ~~was lawfully engaged in the performance~~
7 ~~of official duties and~~ was driving an ~~official~~ emergency vehicle. The accident shall be recorded
8 separately. No accident may be entered on the driving record of an operator of emergency snow
9 removal equipment if the accident ~~resulted from~~ occurred while the operator's response to an
10 emergency call of duty as an operator of emergency snow removal equipment and the operator
11 was lawfully engaged in the performance of official duties in support of an emergency call of
12 duty by a law enforcement officer, firefighter, or emergency medical technician and was driving
13 official snow removal equipment. The accident shall be recorded separately.