

# State of South Dakota

EIGHTY-THIRD SESSION  
LEGISLATIVE ASSEMBLY, 2008

400P0216

## SENATE BILL NO. 13

Introduced by: The Committee on Transportation at the request of the Department of Public Safety

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the suspension of a  
2 minor's driving privileges.

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

4 Section 1. That § 32-12-15 be amended to read as follows:

5 32-12-15. The issuance of an instruction permit, motorcycle instruction permit, restricted  
6 minor's permit, or motorcycle restricted minor's permit is on a probationary basis. The  
7 Department of Public Safety upon the receipt of a record of conviction for a traffic violation or  
8 for a violation of the restrictions in §§ 32-12-11, 32-12-11.1, 32-12-12, 32-12-12.1, 32-12-13,  
9 or 32-12-14, committed prior to the minor's sixteenth birthday shall suspend the minor's driving  
10 privileges according to the following schedule:

11 (1) A felony or Class 1 misdemeanor traffic conviction--suspension until the minor's  
12 sixteenth birthday or as otherwise required by law;

13 (2) A first Class 2 misdemeanor traffic conviction or a conviction of any moving traffic  
14 violation of a county or municipal ordinance--suspension for thirty days or as  
15 otherwise required by law;



(3) 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) A second Class 2 misdemeanor traffic conviction or a conviction of any moving traffic violation of a county or municipal ordinance--suspension until the minor's sixteenth birthday or for ninety days, whichever period is longer, or as otherwise required by law; and

(5) 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 ninety 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 sixteenth 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 shall 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.