



## 2026 South Dakota Legislature

# House Bill 1013

*Introduced by: The Chair of the Committee on Judiciary at the request of the Chief Justice*

1 **An Act to clarify the purposes permitted for certain offenders to operate a motor**  
 2 **vehicle.**

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

4 **Section 1. That § 32-12-52.3 be AMENDED:**

5 **32-12-52.3.** Upon a first conviction or a first adjudication of delinquency for any  
 6 violation, while in a vehicle, of §§ 22-42-5 to, 22-42-5.1, 22-42-6, 22-42-7, 22-42-8, 22-  
 7 42-9, inclusive, 22-42A-3, or 22-42A-4, the court shall revoke the driver license or driving  
 8 privilege of the ~~driver~~ individual convicted for a period of ninety days.

9 Upon a second or subsequent conviction or a second or subsequent adjudication of  
 10 delinquency for a violation, while in a vehicle, of §§ 22-42-5 to, 22-42-5.1, 22-42-6, 22-  
 11 42-7, 22-42-8, 22-42-9, inclusive, 22-42A-3, or 22-42A-4, the court shall revoke the  
 12 driver license or driving privilege of the ~~driver~~ individual convicted for a period of one  
 13 year, or until the ~~person's~~ individual's seventeenth birthday, whichever is a longer period  
 14 of time.

15 For any offense under this section, the court may issue an order, upon proof of  
 16 financial responsibility pursuant to § 32-35-43.1, permitting the ~~person~~ individual to  
 17 operate a vehicle for purposes of the person's employment, ~~attendance at school, child~~  
 18 care delivery or pickup, health appointments, or attendance at school, court, probation  
 19 appointments, 24/7 sobriety testing, counseling programs, treatment, or aftercare.

20 Notwithstanding the provisions of chapters 26-7A, 26-8A, 26-8B, and 26-8C, the  
 21 Unified Judicial System shall notify the Department of Public Safety of any conviction or  
 22 adjudication of delinquency for a violation, while in a vehicle, of §§ 22-42-5 to, 22-42-  
 23 5.1, 22-42-6, 22-42-7, 22-42-8, 22-42-9, inclusive, 22-42A-3, or 22-42A-4. The period  
 24 of revocation ~~shall~~ must begin on the date ordered by the court or on the date specified  
 25 in the notice from the department, whichever date is earlier. At the expiration of the  
 26 revocation period, ~~a person~~ the individual may ~~make application~~ apply to reinstate the

1 person's license as provided by law and shall pay the license fee prescribed in § 32-12-  
2 47.1.

3 **Section 2. That § 32-35-122 be AMENDED:**

4 **32-35-122.** Upon suspending a person's driving privileges pursuant to § 32-35-  
5 121, the magistrate judge or circuit judge ~~shall~~ must restrict the person's driving privileges  
6 ~~to driving to and from the person's employment and to driving that is required in the~~  
7 ~~person's course of employment~~ only permit the operation of a motor vehicle for purposes  
8 of the person's employment, child care delivery or pickup, health appointments, or  
9 attendance at school, court, probation appointments, 24/7 sobriety testing, counseling  
10 programs, treatment, or aftercare.

11 ~~However, before a~~ Before the person is permitted to drive ~~under such a restriction,~~  
12 the person ~~shall first~~ must establish one of the forms of financial responsibility specified  
13 in § 32-35-113. The person shall maintain ~~such~~ financial responsibility for the period of  
14 the restriction. The restriction ~~shall~~ must remain in effect for the period of suspension  
15 ~~otherwise~~ required by § 32-35-121.