



2026 South Dakota Legislature

House Bill 1242

Introduced by: **Representative Jensen (Phil)**

1 **An Act to require emergency personnel to use flares or emergency reflective**
 2 **triangles to mark stopped emergency vehicles in some circumstances.**

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

4 **Section 1. That § 32-31-3 be AMENDED:**

5 **32-31-3.** The exemptions granted in subdivisions 32-31-2(2) and (3) to an
 6 authorized emergency vehicle apply only if the vehicle is making use of audible or visual
 7 signals meeting the requirements of law. ~~However, the~~

8 The exemption granted in subdivision 32-31-2(1) to an authorized emergency
 9 vehicle applies only if the driver of the emergency vehicle is making use of:

- 10 (1) Using visual signals meeting the requirements of law; and
 11 (2) Has placed, as soon as practicable after stopping, three flares or emergency
 12 reflective triangles on the roadway, in the manner and as required by section 2 of
 13 this Act.

14 **Section 2. That a NEW SECTION be added to chapter 32-31:**

15 The driver of an emergency vehicle that is stopped to respond to an emergency
 16 must mark the location by placing three flares or emergency reflective triangles on the
 17 roadway if:

- 18 (1) Visibility is reduced due to:
 19 (a) Weather;
 20 (b) Terrain;
 21 (c) Time of day;
 22 (2) Road conditions at the time of the emergency reduce a driver's ability to slow or
 23 stop a motor vehicle; or
 24 (3) The nature of the emergency requires emergency vehicles to be at the location for
 25 an extended period of time.

1 If traffic on the roadway moves in two directions, one of the flares or emergency
 2 reflective triangles must be placed at least one hundred feet in the front, one at least one
 3 hundred feet to the rear, and one alongside the stopped emergency vehicle.

4 Upon a one-way roadway or divided highway, one of the flares or emergency
 5 reflective triangles must be placed at least one hundred feet to the rear, one at least two
 6 hundred feet to the rear, and one alongside the stopped emergency vehicle.

7 **Section 3. That § 32-31-6.2 be AMENDED:**

8 **32-31-6.2.** Any driver of a motor vehicle who, while violating § 32-31-6.1, causes
 9 an accident, is guilty of a Class 1 misdemeanor if:

- 10 (1) The accident is with a stopped emergency vehicle making use of its red visual
 11 signals;~~or~~
- 12 (2) The accident is with a stopped emergency vehicle marked additionally by flares or
 13 emergency reflective triangles in the circumstances described in section 2 of this
 14 Act; or
- 15 (3) The accident is with any vehicle making use of amber, yellow, or blue warning
 16 lights and the vehicle is either stopped or occupying the shoulder of the highway.