



2026 South Dakota Legislature
House Bill 1013
ENROLLED

AN ACT

ENTITLED An Act to clarify the purposes permitted for certain offenders to operate a motor vehicle.

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

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

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

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

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

Notwithstanding the provisions of chapters 26-7A, 26-8A, 26-8B, and 26-8C, the Unified Judicial System shall notify the Department of Public Safety of any conviction or adjudication of delinquency for a violation, while in a vehicle, of § 22-42-5, 22-42-5.1, 22-42-6, 22-42-7, 22-42-8, 22-42-9, 22-42A-3, or 22-42A-4. The period of revocation must begin on the date ordered by the court or on the date specified in the notice from the department, whichever date is earlier. At the expiration of the revocation period, the individual may apply to reinstate the person's license as provided by law and shall pay the license fee prescribed in § 32-12-47.1.

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

32-35-122. Upon suspending a person's driving privileges pursuant to § 32-35-121, the magistrate judge or circuit judge must restrict the person's driving privileges to only permit the operation of a motor vehicle for purposes of the person's employment, child care delivery or pickup, health appointments, or attendance at school, court, probation appointments, 24/7 sobriety testing, counseling programs, treatment, or aftercare.

Before the person is permitted to drive, the person must establish one of the forms of financial responsibility specified in § 32-35-113. The person shall maintain financial responsibility for the period of the restriction. The restriction must remain in effect for the period of suspension required by § 32-35-121.

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

I certify that the attached Act originated in the:
House as Bill No. 1013

Received at this Executive Office this ____ day of _____, 2026 at _____ M.

Chief Clerk of the House

By _____ for the Governor

Speaker of the House

The attached Act is hereby approved this _____ day of _____, A.D., 2026

Attest:

Chief Clerk of the House

Governor

STATE OF SOUTH DAKOTA,

ss.

Office of the Secretary of State

President of the Senate

Attest:

Filed _____, 2026 at _____ o'clock __ M.

Secretary of the Senate

Secretary of State

House Bill No. 1013
File No. _____
Chapter No. _____

By _____
Asst. Secretary of State