

# State of South Dakota

NINETY-SECOND SESSION  
LEGISLATIVE ASSEMBLY, 2017

400Y0091

## SENATE BILL NO. 40

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

1 FOR AN ACT ENTITLED, An Act to revise the start date of driver license suspension,  
2 revocation, and disqualification periods.

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

4 Section 1. That § 32-12-47.1 be amended to read:

5 32-12-47.1. Any person whose license or privilege to drive a motor vehicle on public  
6 highways has been revoked, suspended, or disqualified may not have the license or privilege  
7 renewed or restored unless the period of revocation, suspension, or disqualification has expired.  
8 The period of revocation, suspension, or disqualification shall begin on the date ~~the revoked,~~  
9 ~~suspended, or disqualified license is received by the Department of Public Safety or the court~~  
10 ordered by the court, on the date specified in the notice from the department, or on the date the  
11 suspension order is effective for failure to comply with a citation, whichever date is earlier. At  
12 the expiration of the period of revocation, suspension, or disqualification, a person may make  
13 application for license reinstatement as provided by law and shall pay a license fee of fifty  
14 dollars plus application fees pursuant to § 32-12-16; a license fee of seventy-five dollars plus  
15 application fees pursuant to § 32-12-16 if revocation of the license was a result of a conviction



1 for a violation of § 32-23-2; a license fee of one hundred dollars plus application fees pursuant  
2 to § 32-12-16 if revocation of the license was a result of a conviction for a violation of § 32-33-  
3 18, or a second or subsequent conviction for a violation of § 32-24-1 within a period of one  
4 year; a license fee of one hundred twenty-five dollars plus application fees pursuant to § 32-12-  
5 16 if revocation of the license was a result of a conviction for a violation of § 32-23-3; a license  
6 fee of one hundred seventy-five dollars plus application fees pursuant to § 32-12-16 if  
7 revocation of the license was a result of a conviction for a violation of § 32-23-4, 32-23-4.6, or  
8 32-23-4.7; or a license fee of two hundred dollars plus application fees pursuant to § 32-12-16  
9 if revocation of the license was the result of a conviction for a violation of § 22-16-41 or 22-18-  
10 36. A person making application following a revocation shall fulfill all knowledge examination  
11 requirements of a new applicant. A person who had a restricted minor's permit, motorcycle  
12 restricted minor's permit, instruction permit, or motorcycle instruction permit, or privilege to  
13 apply for a permit or license suspended pursuant to § 32-12-15 need not pay the fee prior to  
14 reinstatement of the license unless the suspension is for a conviction of a moving traffic offense  
15 assessed six or more points by § 32-12-49.1.

16 Section 2. That § 32-12-48 be amended to read:

17 32-12-48. If a defendant is convicted under § 32-23-2, 32-23-3, 32-23-4, 32-23-4.6, or 32-  
18 23-4.7, the period of revocation shall ~~commence~~ begin on the date ~~the driver license was~~  
19 ~~surrendered to and received by the Department of Public Safety. However, the surrender to the~~  
20 ~~court at the time of conviction is considered a surrender to the department~~ ordered by the court  
21 or on the date specified the notice from the department, whichever date is earlier. At the  
22 conclusion of the period of revocation ordered by the court and if future proof is filed with the  
23 Department of Public Safety as required by chapter 32-35, the defendant may submit an  
24 application ~~for a~~ to reinstate the defendant's driver license, accompanied by a fee of seventy-five

1 dollars if revocation of the license was for a conviction under § 32-23-2, one hundred twenty-  
2 five dollars if revocation of the license was for a conviction under § 32-23-3, or one hundred  
3 seventy-five dollars if revocation of the license was for a conviction under § 32-23-4, 32-23-4.6,  
4 or 32-23-4.7. The department may issue a driver license to the defendant, if, after an  
5 investigation of the character, habits and driving ability of the defendant, the department is  
6 satisfied it is safe to grant the privilege of driving a motor vehicle to the defendant. A driver  
7 license issued under the provisions of this section shall show the restrictions, if any, imposed  
8 by the court and the date when the restrictions are to cease.

9 Section 3. That § 32-12-52.3 be amended to read:

10 32-12-52.3. Upon a first conviction or a first adjudication of delinquency for any violation,  
11 while in a vehicle, of §§ 22-42-5 to 22-42-9, inclusive, 22-42A-3, or 22-42A-4, the court shall  
12 revoke the driver license or driving privilege of the driver so convicted for a period of ninety  
13 days.

14 Upon a second or subsequent conviction or a second or subsequent adjudication of  
15 delinquency for a violation, while in a vehicle, of §§ 22-42-5 to 22-42-9, inclusive, 22-42A-3,  
16 or 22-42A-4, the court shall revoke the driver license or driving privilege of the driver so  
17 convicted for a period of one year or until the person's seventeenth birthday, whichever is a  
18 longer period of time. For any offense under this section, the court may issue an order, upon  
19 proof of financial responsibility pursuant to § 32-35-43.1, permitting the person to operate a  
20 vehicle for purposes of the person's employment, attendance at school, or counseling programs.  
21 Notwithstanding the provisions of chapters 26-7A, 26-8A, 26-8B, and 26-8C, the Unified  
22 Judicial System shall notify the Department of Public Safety of any conviction or adjudication  
23 of delinquency for a violation, while in a vehicle, of §§ 22-42-5 to 22-42-9, inclusive, 22-42A-3,  
24 or 22-42A-4. The period of revocation shall begin on the date the person's revoked driver license

1 ~~is received by the court or the department~~ ordered by the court or on the date specified in the  
2 notice from the department, whichever date is earlier. At the expiration of the revocation period,  
3 a person may make application to reinstate the person's license as provided by law and shall pay  
4 the license fee prescribed in § 32-12-47.1.

5 Section 4. That § 32-12-52.4 be amended to read:

6 32-12-52.4. Upon a first conviction or a first adjudication as a child in need of supervision  
7 for a violation of § 35-9-2 while in a vehicle, the court shall suspend the driver license or  
8 driving privilege of the driver, if the driver was under the age of twenty-one when the offense  
9 occurred, for a period of thirty days.

10 Upon a second conviction or a second adjudication as a child in need of supervision for a  
11 violation of § 35-9-2 while in a vehicle, the court shall suspend the driver license or driving  
12 privilege of the driver, if the driver was under the age of twenty-one when the offense occurred,  
13 for a period of one hundred eighty days.

14 Upon a third or subsequent conviction or a third or subsequent adjudication as a child in  
15 need of supervision for a violation of § 35-9-2 while in a vehicle, the court shall suspend the  
16 driver license or driving privilege of the driver, if the driver was under the age of twenty-one  
17 when the offense occurred, for a period of one year. For any offense under this section, the court  
18 may issue an order, upon proof of financial responsibility pursuant to § 32-35-43.1, permitting  
19 the person to operate a vehicle for purposes of the person's employment, attendance at school,  
20 or attendance at counseling programs.

21 Notwithstanding the provisions of chapters 26-7A, 26-8A, 26-8B, and 26-8C, the Unified  
22 Judicial System shall notify the Department of Public Safety of any conviction or adjudication  
23 for a violation, while in a vehicle, of § 35-9-2 or chapter 32-23. The period of suspension ~~begins~~  
24 shall begin on the date ~~the person's suspended driver license is received by the court or the~~

1 ~~Department of Public Safety~~ ordered by the court or on the date specified in the notice from the  
2 department, whichever date is earlier. At the expiration of the period of suspension, a person  
3 may make application to have the license reinstated and pay the license fee as prescribed in  
4 § 32-12-47.1.

5 Section 5. That § 32-12A-55 be amended to read:

6 32-12A-55. No person whose commercial learner's permit, commercial license, or privilege  
7 to drive a motor vehicle on public highways has been revoked, suspended, or disqualified may  
8 have the license or privilege renewed or restored unless the period of revocation, suspension,  
9 or disqualification has expired. The period of revocation, suspension, or disqualification shall  
10 begin on the date ~~the revoked, suspended, or disqualified license is received by the Department~~  
11 ~~of Public Safety or the court~~ ordered by the court, on the date specified in the notice from the  
12 department, or on the date the suspension order is effective for failure to comply with a citation,  
13 whichever date is earlier. At the expiration of the period of revocation, suspension, or  
14 disqualification, a person may make application for license reinstatement as provided by law  
15 and shall pay a reinstatement fee, plus any application fees imposed by § 32-12A-15. A person  
16 making application following a revocation shall fulfill all knowledge examination requirements  
17 of a new applicant. A person making application for a commercial learner's permit or  
18 commercial driver license following a disqualification shall fulfill all examination requirements  
19 of a new applicant.