

AN ACT

ENTITLED, An Act to revise certain provisions regarding driving after consuming certain drugs or substances.

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

Section 1. That § 32-23-21 be amended to read:

32-23-21. It is a Class 2 misdemeanor for any person under the age of twenty-one to drive, operate, or be in actual physical control of any vehicle:

- (1) If there is physical evidence of 0.02 percent or more by weight of alcohol in the person's blood as shown by a chemical analysis of the person's breath, blood, or other bodily substance; or
- (2) After having consumed marijuana or any controlled drug or substance, other than a controlled drug or substance lawfully prescribed for the person, for as long as physical evidence of the consumption remains present in the person's body.

If a person is found guilty of or adjudicated for a violation of this section, the Unified Judicial System shall notify the Department of Public Safety. Upon conviction or adjudication, the court shall suspend that person's driver's license or operating privilege for a period of thirty days for a first offense, one hundred eighty days for a second offense, and one year for any third or subsequent offense. The court may, upon proof of financial responsibility under § 32-35-43.1, issue an order permitting the person to operate a vehicle for purposes of the person's employment, attendance at school, or attendance at any counseling program.

An Act to revise certain provisions regarding driving after consuming certain drugs or substances.

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I certify that the attached Act
originated in the

HOUSE as Bill No. 1049

Chief Clerk

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Speaker of the House

Attest:

Chief Clerk

President of the Senate

Attest:

Secretary of the Senate

House Bill No. 1049

File No. _____

Chapter No. _____

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Received at this Executive Office
this _____ day of _____ ,

20____ at _____ M.

By _____
for the Governor

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The attached Act is hereby
approved this _____ day of
_____, A.D., 20____

Governor

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STATE OF SOUTH DAKOTA,
ss.

Office of the Secretary of State

Filed _____, 20____
at _____ o'clock __ M.

Secretary of State

By _____
Asst. Secretary of State