

State of South Dakota

NINETY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 2019

660B0345

HOUSE TRANSPORTATION ENGROSSED NO. **SB 93** - 2/28/2019

Introduced by: Senators Soholt, Curd, Ewing, and Rusch and Representatives Barthel,
Duvall, McCleerey, and Willadsen

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding instruction and
2 restricted driving permits.

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

4 Section 1. That § 32-12-11 be amended to read:

5 32-12-11. Any person who is at least fourteen years of age but less than eighteen years of
6 age applying for a South Dakota operator's license, restricted minor's permit, or instruction
7 permit who does not currently hold an operator's license, motorcycle operator's license,
8 restricted minor's permit, motorcycle restricted minor's permit, instruction permit, or motorcycle
9 instruction permit shall apply to the Department of Public Safety for an instruction permit. If
10 ~~an applicant holds an instruction permit that has been valid continuously for one hundred eighty~~
11 ~~days, and is still currently valid or that has been expired for thirty days or less, the department~~
12 ~~shall waive the knowledge test to upgrade to an operator's license, motorcycle operator's license,~~
13 ~~restricted minor's permit, or motorcycle restricted minor's permit. If the licensee applies and~~
14 ~~makes payment of the required fee thirty-one or more days after the expiration date of the~~



1 ~~permit, the licensee shall take the knowledge test as required by § 32-12-4 and may take the skill~~
2 ~~test for an operator's license.~~ The department may, after the applicant has successfully passed
3 all parts of the examination other than the driving test and paid a fee which is equal in amount
4 to the fee prescribed for a license in § 32-12-16, issue to the applicant an instruction permit. The
5 instruction permit shall be held for at least one hundred eighty continuous days if issued before
6 July 1, 2019, or at least two hundred seventy-three days if issued on or after July 1, 2019.

7 The instruction permit entitles the applicant, while having the permit in the applicant's
8 immediate possession, to drive a motor vehicle upon the public highways for a period of five
9 years during the hours of 6 a.m. to 10 p.m. if accompanied by a person holding a valid operator's
10 license who is at least eighteen years of age, has had at least one year of driving experience, and
11 who is occupying a seat beside the applicant. The applicant is entitled to drive a motor vehicle
12 upon the public highways during the hours of 10 p.m. to 6 a.m. if the motor vehicle is being
13 operated under the direction of the applicant's parent or guardian who is occupying a seat beside
14 the applicant. No holder of an instruction permit may use any type of wireless communication
15 device while operating a motor vehicle upon the public highways.

16 The holder of an instruction permit who is at least fourteen years of age but less than
17 eighteen years of age may apply for a restricted minor's permit ~~or operator's license~~ after holding
18 a valid instruction permit ~~for one hundred eighty continuous days~~ for the time required by this
19 section.

20 If the holder of an instruction permit that has been valid continuously as required by this
21 section and is still currently valid or that has been expired for thirty days or less applies to
22 upgrade to an operator's license, motorcycle operator's license, restricted minor's permit, or
23 motorcycle restricted minor's permit, the department shall waive the knowledge test. If the
24 holder applies and makes payment of the required fee thirty-one or more days after the

1 expiration date of the permit, the holder shall take the knowledge test as required by § 32-12-4
2 and may take the skill test for an operator's license.

3 Section 2. That § 32-12-11.1 be amended to read:

4 32-12-11.1. Any person who is at least fourteen years of age but less than eighteen years of
5 age applying for a South Dakota motorcycle operator's license, motorcycle restricted minor's
6 permit, or motorcycle instruction permit who does not currently hold an operator's license,
7 motorcycle operator's license, restricted minor's permit, motorcycle restricted minor's permit,
8 instruction permit, or motorcycle instruction permit that has been valid continuously for at least
9 one hundred eighty days if issued before July 1, 2019, or at least two hundred seventy-three days
10 if issued on or after July 1, 2019, shall apply to the Department of Public Safety for an
11 instruction permit ~~which shall be held for a minimum of one hundred eighty continuous days.~~
12 The department may, after the applicant has successfully passed all parts of the examination
13 other than the driving test and paid a fee which is equal in amount to the fee prescribed for a
14 license in § 32-12-16, issue to the applicant a motorcycle instruction permit. The instruction
15 permit shall be held for at least one hundred eighty continuous days if issued before July 1,
16 2019, or at least two hundred seventy-three days if issued on or after July 1, 2019.

17 A motorcycle instruction permit is not required to obtain a motorcycle operator's license or
18 a motorcycle restricted minor's permit if the applicant currently holds an instruction permit,
19 restricted minor's permit, or operator's license that has been valid continuously for one hundred
20 eighty days.

21 A motorcycle instruction permit entitles the holder, while having the permit in the permit
22 holder's immediate physical possession, to operate a motorcycle during the hours of 6 a.m. to
23 8 p.m. if the permit holder is accompanied by a licensed motorcycle operator who is at least
24 eighteen years of age, who has at least one year of driving experience, and who is driving

1 another motorcycle along with the permit holder. No motorcycle instruction permit holder may
2 carry another person on the motorcycle. The permit is valid for one year. The holder of an
3 instruction permit or motorcycle instruction permit who is at least fourteen years of age but less
4 than eighteen years of age may apply for a motorcycle restricted minor's permit ~~or motorcycle~~
5 ~~operator's license~~ after holding a valid instruction permit ~~for one hundred eighty continuous days~~
6 as required by this section.

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

8 32-12-12. A restricted minor's permit may be issued, upon application and payment of the
9 proper fees as provided in § 32-12-16, to a minor at least fourteen years of age but less than
10 eighteen years of age who has successfully passed all applicable tests and completed the
11 requirements of an instruction permit as provided in § 32-12-11 or 32-12-11.1 and has not been
12 convicted of a traffic violation during the past ~~six~~ twelve months. For any such minor who has
13 successfully completed a driver education course that has been approved by the Department of
14 Education or a driver education course that the secretary of the department of public safety has
15 determined has been approved by a state government agency in another state, the required
16 minimum time period for holding the instruction permit in order to qualify for the restricted
17 minor's permit is ninety continuous days if issued before July 1, 2019, or one hundred eighty
18 continuous days if issued on or after July 1, 2019.

19 A restricted minor's permit entitles the holder, while having the permit in immediate
20 physical possession, to operate a motor vehicle during the hours of 6 a.m. to 10 p.m. standard
21 time if the motor vehicle is being operated with the permission of the holder's parent or guardian
22 and during the hours of 10 p.m. to 6 a.m. if the motor vehicle is being operated under the
23 direction of the holder's parent or guardian who is occupying a seat beside the holder. The
24 restrictions as to time of operation and operation under the direction of a parent or guardian do

1 not apply to the holder of a valid restricted minor's permit ~~operating~~ who is:

2 (1) Operating a self-propelled agricultural machine which is not subject to registration
3 under chapter 32-5;

4 (2) Operating the motor vehicle to attend or to return home from school or a school
5 event;

6 (3) Operating the motor vehicle while going directly to or from any religious worship
7 service held by a religious organization; or

8 (4) Operating the motor vehicle while going to, from or in connection with any job,
9 employment or farm-related work.

10 No holder of a restricted minor's permit may use any type of wireless communication device
11 while operating a motor vehicle upon the public highways.

12 An operator's license may be issued to a minor at least sixteen years of age but less than
13 eighteen years of age who has held a restricted minor's permit for at least six months and has
14 not been convicted of any traffic violations during the past six months.

15 Section 4. That § 32-12-12.1 be amended to read:

16 32-12-12.1. A motorcycle restricted minor's permit may be issued, upon application and
17 payment of the proper fee as provided for in § 32-12-16, to a minor at least fourteen years of age
18 but less than eighteen years of age who has successfully passed all applicable tests and
19 completed the requirements of an instruction permit as outlined in § 32-12-11 or 32-12-11.1 and
20 has not been convicted of a traffic violation during the past six months. For any minor who has
21 successfully completed the motorcycle safety education courses provided by § 32-20-14 and a
22 driver education class that has been approved by the Department of Education or a driver
23 education course that the secretary of the department of public safety has determined has been
24 approved by a state government agency in another state, the required minimum time period for

1 holding the motorcycle instruction permit to qualify for the motorcycle restricted minor's permit
2 is thirty continuous days if issued before July 1, 2019, or one hundred eighty continuous days
3 if issued on or after July 1, 2019.

4 A motorcycle restricted minor's permit entitles the holder, while having the permit in
5 immediate physical possession, to operate a motorcycle during the hours of 6 a.m. to 8 p.m.
6 standard time if the motorcycle is being operated with the permission of the holder's parents or
7 guardian.

8 A South Dakota motorcycle operator's license may be issued to a minor at least sixteen years
9 of age but less than eighteen years of age who has held a restricted minor's permit for at least
10 six months and has not been convicted of any traffic violations during the past twelve months.

11 Section 5. That chapter 32-12 be amended by adding a NEW SECTION to read:

12 No holder of a restricted minor's permit or instruction permit may operate a motor vehicle
13 carrying more than one passenger under the age of eighteen years who is not:

- 14 (1) A member of the permit holder's immediate family; or
- 15 (2) A person whose primary residence is the same household as the permit holder's.

16 The provisions of this section do not apply if the permit holder is accompanied by a parent
17 or guardian or any passenger whose primary residence is the same household as the permit
18 holder and the passenger is at least eighteen years of age. The provisions of this section do not
19 apply if the permit holder is operating the motor vehicle to attend or return from school or a
20 school event.

21 Section 6. That § 32-12-15 be amended to read:

22 32-12-15. The issuance of an instruction permit, motorcycle instruction permit, restricted
23 minor's permit, or motorcycle restricted minor's permit is on a probationary basis. The
24 Department of Public Safety upon the receipt of a record of conviction for a traffic violation or

1 for a violation of the restrictions in §§ 32-12-11, 32-12-11.1, 32-12-12, 32-12-12.1, 32-12-13,
2 or 32-12-14, or section 5 of this Act, committed while operating under an instruction permit,
3 motorcycle instruction permit, restricted minor's permit, or motorcycle restricted minor's permit
4 prior to the minor's ~~sixteenth~~ eighteenth birthday shall suspend the minor's driving privileges
5 according to the following schedule:

6 (1) A felony or Class 1 misdemeanor traffic conviction--suspension until the minor's
7 ~~sixteenth~~ eighteenth birthday or as otherwise required by law;

8 (2) A first Class 2 misdemeanor traffic conviction or a comparable conviction of any
9 moving traffic violation of a county or municipal ordinance--suspension for thirty
10 days or as otherwise required by law;

11 (3) A first conviction of a violation of the conditions of an instruction permit, a
12 motorcycle instruction permit, a restricted minor's permit, or a motorcycle restricted
13 minor's permit--suspension for thirty days or as otherwise required by law;

14 (4) A second Class 2 misdemeanor traffic conviction or a comparable conviction of any
15 moving traffic violation of a county or municipal ordinance--suspension until the
16 minor's ~~sixteenth~~ eighteenth birthday or for ninety days, whichever period is longer,
17 or as otherwise required by law; and

18 (5) A second conviction of a violation of the conditions of an instruction permit, a
19 motorcycle instruction permit, a restricted minor's permit, or a motorcycle restricted
20 minor's permit--suspension until the minor's ~~sixteenth~~ eighteenth birthday or for
21 ninety days, whichever period is longer, or as otherwise required by law.

22 No permit may be suspended for a first violation of §§ 32-14-9.1, 32-21-27, 32-25-5, 32-26-
23 20, or 34A-7-7.

24 If a minor has no instruction permit, motorcycle instruction permit, restricted minor's permit,

1 or motorcycle restricted minor's permit and is convicted of any traffic violation prior to the
2 minor's ~~sixteenth~~ eighteenth birthday, the department shall suspend or revoke the minor's
3 driving privilege or privilege to apply for a driver license as provided in this section. A
4 conviction for any traffic violation that occurs prior to the issuance of an instruction permit,
5 motorcycle instruction permit, restricted minor's permit, motorcycle restricted minor's permit,
6 motorcycle operator's license or an operator's license shall be placed on the driving record and
7 given the same consideration as any violation that occurs following the issuance of an
8 instruction permit, motorcycle instruction permit, restricted minor's permit, motorcycle
9 restricted minor's permit, motorcycle operator's license, or an operator's license.