



2020 South Dakota Legislature

House Bill 1224

Introduced by: **Representative Saba**

1 **An Act to authorize requests for medical clearance as a condition of continued**
 2 **licensure to drive a motor vehicle.**

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

4 **Section 1.** That § 32-12-49 be AMENDED:

5 **32-12-49. Suspension, revocation or cancellation after opportunity for**
 6 **hearing--Grounds--Old offenses not considered--Rules.**

7 The secretary of the Department of Public Safety may suspend, revoke, or cancel
 8 the driving privilege or license of a person after opportunity for hearing pursuant to
 9 chapter 1-26 if hearing is demanded, upon a showing by its records or other sufficient
 10 evidence that the licensee:

- 11 (1) Has been convicted of an offense for which mandatory suspension or revocation of
 12 license is required;
- 13 (2) Appears by the records of the department to be an habitually reckless or negligent
 14 operator of a motor vehicle or to have repeatedly violated any of the state traffic
 15 laws, municipal ordinances which are in strict conformity with state law and adopted
 16 by a local authority other than regulations governing parking, traffic laws of another
 17 state, or any of the county speed limits set pursuant to law. The secretary of the
 18 department of public safety shall implement the method of weighing traffic
 19 convictions provided in § 32-12-49.1;
- 20 (3) Is physically or mentally incompetent to drive a motor vehicle;
- 21 (4) Has violated § 32-12-17.3, 32-12-17.4, 32-12-17.5, 32-12-17.6, 32-12-67, 32-12-
 22 69, 32-12-70, or 32-12-71;
- 23 (5) Has committed an offense in another state, which if committed in this state, would
 24 be grounds for suspension or revocation;
- 25 (6) Has failed to pay a fine or comply with the terms of a citation issued in the state;

- 1 (7) Has failed to pay a fine or comply with the terms of a citation issued by a state
2 covered by the nonresident violators compact; or
3 (8) Has made a false statement or representation or fails to disclose a material fact in
4 order to obtain a driver license or nondriver identification card.

5 In determining whether a driver license or privilege should be suspended or revoked
6 under this section, the director may not consider any offense that is more than four years
7 old.

8 The secretary of the Department of Public Safety may promulgate rules in regard to
9 driver license suspension, revocation and cancellation in the following areas:

- 10 (1) Point accumulation;
11 (2) Physical or mental incompetence, except as otherwise limited by § 32-12-49.5;
12 (3) Unlawful use of driver license or nondriver identification card;
13 (4) Out-of-state convictions;
14 (5) Failure to comply with citations issued in this state or another state; or
15 (6) Misrepresentation or omissions of material fact to obtain a driver license or
16 nondriver identification card.

17 **Section 2.** That a NEW SECTION be added:

18 **32-12-49.5. Safe operation of motor vehicle—Notification—Required**
19 **examination.**

20 Whenever the spouse, child, or sibling of a licensed driver believes that the ability
21 of the licensed driver to safely operate a motor vehicle may be compromised, the spouse,
22 child, or sibling may provide a written notification to the Department of Public Safety,
23 together with supporting evidence. The department shall review the notification within
24 fourteen days of receipt.

25 If the department determines that sufficient evidence has been provided, the
26 department may direct that the driver, within sixty days and as a condition of retaining a
27 license, be examined and cleared by a licensed health care provider in this state operating
28 within the provider's scope of practice. A clearance provided in accordance with this
29 section is valid for a period of one year. The department may not direct a driver to obtain
30 a clearance more than once in a twelve month period.

31 A notification submitted to the department by any person other than a driver's
32 spouse, child, or sibling may not serve as the basis for directing that the driver be
33 examined and cleared, as a condition of retaining a license.

- 1 Nothing in this section restricts the initiation of any action against a driver's license
2 by a law enforcement officer, an insurance provider, or the court.