



## 2020 South Dakota Legislature

# Senate Bill 164

Introduced by: **Senator Wiik**

1 **An Act to revise the penalties and provisions regarding approaching stopped**  
 2 **vehicles.**

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

4 **Section 1.** That § 32-31-6.1 be AMENDED:

5 **32-31-6.1. Stopped emergency vehicle--Requirements for approaching**  
 6 **vehicles--Violation as misdemeanor--Fine.**

7 Upon approaching from any direction any stopped authorized emergency vehicle  
 8 making use of red visual signals meeting the requirements of this title, the driver of every  
 9 other vehicle shall come to a complete stop before reaching the stopped emergency  
 10 vehicle and may, unless otherwise directed, proceed with caution only after ascertaining  
 11 that it is safe to do so, and upon approaching from any direction any stopped vehicle  
 12 making use of amber or yellow warning lights, the driver of every other vehicle shall:

13 (1) If driving on an interstate highway or other highway with two or more lanes  
 14 traveling in the same direction as the vehicle, merge into the lane farthest from the  
 15 vehicle at least three hundred feet before the vehicle and proceed with caution,  
 16 unless otherwise directed; or

17 (2) If driving on a two lane highway, at least three hundred feet before the vehicle,  
 18 slow to a speed that is at least twenty miles per hour less than the posted speed  
 19 limit or five miles per hour when the speed limit is posted at twenty miles per hour  
 20 or less and proceed with caution, unless otherwise directed.

21 A violation of this section is a Class 2 misdemeanor and has a minimum fine of two  
 22 hundred seventy dollars.

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

1           **32-31-6.2. Violation of 32-31-6.1 causing an accident--Violation as**  
2 **misdemeanor or felony.**

3           Any person who, while violating § 32-31-6.1, causes an accident is guilty of:

- 4           (1) A Class 1 misdemeanor if the accident is with a stopped emergency vehicle making  
5 use of its red visual signals or any stopped vehicle making use of amber or yellow  
6 warning lights, and the accident does not cause bodily injury to a driver or  
7 passenger of that vehicle;
- 8           (2) A Class 6 felony if the accident causes bodily injury to a driver or passenger of a  
9 stopped emergency vehicle making use of its red visual signals or a stopped vehicle  
10 making use of amber or yellow warning lights; or
- 11           (3) A Class 3 felony if the accident causes the death of a driver or passenger of a  
12 stopped emergency vehicle making use of its red visual signals or a stopped vehicle  
13 making use of amber or yellow warning lights.