



2020 South Dakota Legislature

House Bill 1170

HOUSE ENGROSSED

Introduced by: **Representative Rounds**

1 **An Act to revise provisions regarding the use of certain lights by tow truck vehicles**
 2 **and Department of Transportation authorized vehicles.**

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

4 **Section 2. That § 32-17-42 be AMENDED:**

5 **Section 1.** That § 32-17-10 be AMENDED:

6 **32-17-10. Tow truck or wrecker defined--Amber or blue flashers--Violation**
 7 **as misdemeanor.**

8 Unless the context otherwise requires, a "tow truck or wrecker"~~is~~ means any motor
 9 vehicle which is specially equipped to tow, haul, or push disabled automobiles, trucks, or
 10 tractors for commercial considerations, or operated by any person, for the purpose of
 11 towing or servicing any automobiles, trucks, or tractors owned by him. Any tow truck or
 12 wrecker may be equipped with and use an amber rotary beacon light or lights or other
 13 amber flashing or blinking light or lights of the type or similar to the type of ~~such~~ lights
 14 used on emergency vehicles in this state. The amber lights may be used by a tow truck
 15 or wrecker only when actually engaging, towing, hauling, or pushing a disabled motor
 16 vehicle, or when ordered by a law enforcement officer for safety purposes to warn other
 17 motorists of the presence of the tow truck or wrecker. Any tow truck or wrecker may be
 18 equipped with and use a blue rotary beacon light or lights or other blue flashing or blinking
 19 light similar to the type of lights used on emergency vehicles in this state. The blue lights
 20 may be used by a tow truck or wrecker only when removing debris from a public road. A
 21 violation of this section is a Class 2 misdemeanor.

22 **Section 2.** That § 32-17-42 be AMENDED:

1 **32-17-42. Lights on emergency vehicles--Duty of driver--Authorization to**
2 **use lights--Violation as misdemeanor.**

3 Any motor vehicle authorized by the Department of Transportation, a tow truck or
4 wrecker as defined in § 32-17-10, or a vehicle operated by a member of an organized fire
5 department or organized search and rescue unit or by a person who is an ambulance
6 driver, attendant, or emergency medical technician affiliated with a licensed ambulance
7 service may be equipped with ~~flashing blue lights displayed to the front or a blue rotating~~
8 ~~beacon light or strobe light or both to be visible 360 degrees.~~ This provision does not
9 relieve the driver of such a vehicle from the duty to drive with due regard for the safety
10 of all persons using the street nor does it protect the driver of any such vehicle from the
11 consequence of a reckless disregard of the safety of others.

12 No person may use a blue light ~~authorized in this section~~ unless the person is
13 authorized by this chapter and is either operating a Department of Transportation vehicle
14 in performance of their duties in maintaining the highway, or actually en route to the
15 scene of a fire or other emergency requiring the person's services and the person has
16 been authorized in writing to so use a blue light. The authorization may be given by the
17 Department of Transportation, highway patrol, chief of the fire department, coordinator
18 of the search and rescue unit, or operator or ambulance service director of the ambulance
19 service only to members of the department or service who are in good standing.

20 The unauthorized use of a blue light in violation of this section is a Class 2
21 misdemeanor.