



2020 South Dakota Legislature

Senate Bill 164

SENATE JUDICIARY ENGROSSED

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, or blue warning lights, the driver of every other vehicle
 13 shall:

- 14 (1) If driving on an interstate highway or other highway with two or more lanes
 15 traveling in the same direction as the vehicle, merge into the lane farthest from the
 16 vehicle at least three hundred feet before the vehicle and proceed with caution,
 17 unless otherwise directed; or
 18 (2) If driving on a two lane highway, at least three hundred feet before the vehicle,
 19 slow to a speed that is at least twenty miles per hour less than the posted speed
 20 limit or five miles per hour when the speed limit is posted at twenty miles per hour
 21 or less and proceed with caution, unless otherwise directed.

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

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

1 **32-31-6.2. Causing an accident--Stopped emergency vehicle--Violation as**
2 **misdemeanor.**

3 Any person who, while violating § 32-31-6.1, causes an accident is guilty of a Class
4 1 misdemeanor if the accident is with a stopped emergency vehicle making use of its red
5 visual signals or any stopped vehicle making use of amber, yellow, or blue warning lights.