

State of South Dakota

SEVENTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 1997

400A0361

HOUSE BILL NO. 1112

Introduced by: Representative Moore and Senator Flowers

1 FOR AN ACT ENTITLED, An Act to repeal certain appeal process provisions regarding the
2 denial, cancellation, suspension, and revocation of a driver license.

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

4 Section 1. That § 32-12-59 be repealed.

5 ~~—32-12-59. Any person denied a license or whose license has been canceled, suspended, or~~
6 ~~revoked by the Department of Commerce and Regulation may file a petition within thirty days~~
7 ~~thereafter for a hearing in the matter in a court of record for the county where the person resides~~
8 ~~and the court is vested with jurisdiction and it shall set the matter for hearing within thirty days,~~
9 ~~written notice thereof to be given to the Department of Commerce and Regulation, at least ten~~
10 ~~days in advance of the hearing date. The court shall take testimony, examine the facts of the case~~
11 ~~and determine whether the petitioner is entitled to a license or is subject to suspension,~~
12 ~~cancellation, or revocation of license under the provisions of this chapter.~~

13 Section 2. That § 32-23-12 be repealed.

14 ~~—32-23-12. Any person whose license has been canceled, suspended, or revoked by the~~
15 ~~Department of Commerce and Regulation under the provisions of § 32-23-11 or 32-23-18, has~~
16 ~~the right, only after compliance with § 32-23-11, to file a petition within thirty days after~~

1 issuance of the department's notice of withdrawal of driving privileges for rehearing of the matter
2 in the circuit court in the county where the person was charged with the violation, and that court
3 is vested with jurisdiction. The court shall set the matter for trial de novo upon ten days' written
4 notice to the department, and thereupon take testimony and examine the facts of the case and
5 determine whether the petitioner's license is subject to cancellation, suspension, or revocation
6 under the provisions of §§ 32-23-11 and 32-23-18.