

State of South Dakota

SEVENTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 1997

400A0719

HOUSE ENGROSSED NO. **SB214** - 2/28/97

Introduced by: Senator Albers and Representative de Hueck

1 FOR AN ACT ENTITLED, An Act to exempt law enforcement officers from the requirement
2 of the use of motor vehicle lights under certain circumstances.

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

4 Section 1. That chapter 32-17 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 The requirements of § 32-17-4 do not apply to a law enforcement officer, as defined in § 23-
7 3-27, while operating a motor vehicle owned, leased, or otherwise the property of the state or
8 a political subdivision, in the performance of the officer's law enforcement duties if the officer's
9 conduct is reasonable, and if the officer reasonably believes that operating the vehicle without
10 lights is necessary under the circumstances to investigate a criminal violation or suspected
11 criminal violation of state laws or rules, court orders, or municipal or county laws, ordinances,
12 or regulations. A law enforcement officer may not operate a motor vehicle without lights under
13 this section:

14 (1) At speeds greater than what is reasonable and prudent under existing weather, road,
15 and traffic conditions;

16 (2) In situations in which the officer is an active participant in pursuing a motor vehicle;

1 or

2 (3) Contrary to written policies or procedures established by the law enforcement officer's

3 employer.

1 **BILL HISTORY**

2 1/30/97 First read in Senate and referred to Judiciary. S.J. 240

3 2/12/97 Scheduled for Committee hearing on this date.

4 2/15/97 Scheduled for Committee hearing on this date.

5 2/19/97 Scheduled for Committee hearing on this date.

6 2/19/97 Judiciary Do Pass, Passed, AYES 5, NAYS 0. S.J. 521

7 2/20/97 Senate Do Pass, Passed, AYES 30, NAYS 3. S.J. 565

8 2/21/97 First read in House and referred to Transportation. H.J. 639

9 2/26/97 Scheduled for Committee hearing on this date.

10 2/26/97 Transportation Do Pass, Passed, AYES 7, NAYS 6. H.J. 711

11 2/27/97 Motion to Amend, Passed. H.J. 764

12 2/27/97 Motion to Amend,. H.J. 764

13 2/27/97 Tabled amendment. H.J. 765

14 2/27/97 House of Representatives Do Pass Amended, Passed, AYES 36, NAYS 32.