

State of South Dakota

SEVENTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 1997

400A0719

SENATE BILL NO. 214

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:

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

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

16 or

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