

AN ACT

ENTITLED, An Act to provide for a graduated licensing system.

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

Section 1. That § 32-12-11 be amended to read as follows:

32-12-11. Any person who is at least fourteen years of age but less than eighteen years of age applying for a South Dakota driver's license who does not currently hold a driver's license that has been valid continuously for one hundred eighty days, shall apply to the Department of Commerce and Regulation for an instruction permit which shall be held for a minimum of one hundred eighty continuous days. The department may, after the applicant has successfully passed all parts of the examination other than the driving test and paid a fee which is equal in amount to the fee prescribed for a driver's license in § 32-12-16, issue to the applicant an instruction permit. The instruction permit entitles the applicant while having the permit in the applicant's immediate possession to drive a motor vehicle upon the public highways for a period of one year if accompanied by a licensed operator who is at least eighteen years of age, has had at least one year of driving experience, and who is occupying a seat beside the driver. The holder of an instruction permit may apply for a restricted permit or operator's license after holding a valid instruction permit for one hundred eighty continuous days. A motorcycle instruction permit entitles the holder, while having the permit in the permit holder's immediate physical possession, to operate a motorcycle during the hours of 6 a.m. to 8 p.m. if the permit holder is accompanied by a licensed motorcycle operator who is at least eighteen years of age, who has at least one year of driving experience and who is driving another motorcycle along with the permit holder. No motorcycle instruction permit holder may carry another person on the motorcycle. The permit is valid for thirty days. The permit may be issued only once in a one-year period.

Section 2. That § 32-12-12 be amended to read as follows:

32-12-12. A restricted minor's permit may be issued, upon application and payment of the proper fee as provided for in § 32-12-16, to a minor at least fourteen years of age but less than eighteen

years of age who has successfully passed all driver's license examination tests and completed the requirements of an instruction permit as outlined in section 1 of this Act, and has not been convicted of a traffic violation during the past six months. For any such minor who has successfully completed a driver education class that has been approved by the Division of Education Services and Resources, the required minimum time period for holding the instruction permit in order to qualify for the restricted minor's permit is ninety continuous days. A restricted minor's permit entitles the holder, while having the permit in immediate physical possession, to operate a motor vehicle during the hours of 6 a.m. to 8 p.m. standard time if the motor vehicle is being operated with the permission of the minor's parents or guardian and during the hours of 8 p.m. to 6 a.m. if the motor vehicle is being operated under the direction of the minor's parent or guardian who is occupying a seat beside the driver. The restrictions as to time of operation and operation under the direction of a parent or guardian do not apply to the holder of a valid restricted minor's permit operating a self-propelled agricultural machine which is not subject to registration under chapter 32-5.

Section 3. That § 32-12-14.1 be amended to read as follows:

32-12-14.1. The restrictions in §§ 32-12-12, 32-12-13, and 32-12-14 do not apply if the minor has obtained the age of sixteen years, if the minor has completed the requirements of an instruction permit as outlined in section 1 of this Act, and has not been convicted of a traffic violation during the six months prior to the minor's sixteenth birthday. Nothing in this section precludes the suspension or revocation of the minor's driving privileges upon the receipt of a record of conviction for a violation of the restrictions committed prior to the minor's sixteenth birthday.

Section 4. That § 32-12-15 be amended to read as follows:

32-12-15. The issuance of an instruction permit or restricted minor's permit is on a probationary basis. The Department of Commerce and Regulation on the receipt of a record of conviction for a traffic violation classified as a felony or Class 1 misdemeanor, prior to the minor's sixteenth birthday, shall suspend the minor's driving privileges until the minor's sixteenth birthday or as otherwise

required by law. Upon the receipt of a record of conviction prior to the minor's sixteenth birthday of any other traffic violation, the department shall suspend an instruction permit or restricted minor's permit for a period of thirty days for a first violation. A second conviction for a traffic violation committed prior to the minor's sixteenth birthday or a conviction for a violation of an instruction permit or restricted minor's permit committed prior to the minor's sixteenth birthday shall result in revocation of the minor's driving privileges until the minor's sixteenth birthday or for a period of ninety days, whichever period is longer, or as otherwise required by law. If a minor has no instruction permit or restricted minor's permit and is convicted of any traffic violation prior to the minor's sixteenth birthday, the department shall suspend or revoke the minor's driving privilege or privilege to apply for a permit or license as provided in this section. Any traffic violation which occurs prior to the issuance of an instruction permit or restricted minor's permit or an operator's license shall be placed on the driving record and given the same consideration as any violation which occurs following the issuance of an instruction permit, restricted minor's permit, or an operator's license.

Section 5. That § 32-12-36 be amended to read as follows:

32-12-36. The Department of Commerce and Regulation upon issuing an operator's license or permit may impose restrictions suitable to the licensee's driving ability with respect to the type of or special mechanical control devices required on a motor vehicle which the licensee may operate or such other restrictions applicable to the licensee as the department may determine to be appropriate to assure the safe operation of a motor vehicle by the licensee.

Section 6. That § 32-12-17 be amended to read as follows:

32-12-17. The Department of Commerce and Regulation shall, upon payment of the fee established by § 32-12-16, issue to every applicant qualifying therefor an operator's license. An operator's license may be issued to a minor at least sixteen years of age but less than eighteen years of age who has successfully passed all driver's license examination tests and completed the requirements of an instruction permit as provided in section 1 of this Act, if the applicant has not been

convicted of a traffic violation in the past six months, and if the applicant is not currently under suspension, revocation, or disqualification. The license shall bear thereon a distinguishing number assigned to the licensee, the full legal name or any name lawfully taken, date of birth, residence address, an indication if the licensee is a donor pursuant to chapter 34-26, an indication if the licensee has a living will pursuant to chapter 34-12D or a durable power of attorney for health care pursuant to chapter 59-7, a color photo and a brief description of the licensee, and the licensee's signature. The department shall indicate upon each driver's license the general class of vehicles which the licensee may drive.

Section 7. That § 32-12-28 be amended to read as follows:

32-12-28. Any student enrolled in a driver education class which has been approved by the South Dakota Department of Education and Cultural Affairs may drive a motor vehicle without a license under this chapter on a designated highway or within a designated area if such student is accompanied by an approved driver education instructor who is occupying a seat beside such student driver.

Section 8. That chapter 32-12 be amended by adding thereto a NEW SECTION to read as follows:

Restricted minor's permits issued prior to the effective date of this Act remain valid, subject to the conditions and restrictions of the minor's permit and any penalties for violation of the minor's permit.

Section 9. That chapter 32-12 be amended by adding thereto a NEW SECTION to read as follows:

The Department of Commerce and Regulation on the receipt of a record of conviction for a violation of the conditions of an instruction permit or restricted minor's permit shall suspend the minor's driving privileges for a period of thirty days.

Section 10. The effective date of this Act is January 1, 1999.

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I certify that the attached Act
originated in the

HOUSE as Bill No. 1120

Chief Clerk
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Speaker of the House

Attest:

Chief Clerk

President of the Senate

Attest:

Secretary of the Senate

House Bill No. 1120

File No. _____

Chapter No. _____

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Received at this Executive Office
this ____ day of _____ ,

19__ at ____ M.

By _____
for the Governor
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The attached Act is hereby
approved this _____ day of
_____, A.D., 19__

Governor
=====

STATE OF SOUTH DAKOTA,

ss.

Office of the Secretary of State

Filed _____, 19__
at _____ o'clock __ M.

Secretary of State

By _____
Asst. Secretary of State