

# State of South Dakota

## EIGHTY-FOURTH SESSION LEGISLATIVE ASSEMBLY, 2009

400Q0262

### SENATE ENGROSSED NO. **SB 32** - 2/18/2009

Introduced by: The Committee on Appropriations at the request of the Department of Public Safety

1 FOR AN ACT ENTITLED, An Act to increase certain fees related to the use of motor vehicles.  
2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

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

5 There is hereby imposed a fee of one dollar on each vehicle registered and licensed in this  
6 state for the purpose of administering the Division of Highway Patrol. Before any vehicle is  
7 registered pursuant to chapter 32-5 or 32-9, the county treasurer or Department of Revenue and  
8 Regulation shall collect the highway patrol fee. Before any vehicle is registered pursuant to  
9 chapter 32-10, the Department of Revenue and Regulation shall collect the highway patrol fee.  
10 The fee shall be credited to the state motor vehicle fund.

11 Section 2. That § 32-12-16 be amended to read as follows:

12 32-12-16. The fee for an original driver license or a renewal of a driver license is ~~eight~~  
13 twenty dollars. The fee for a duplicate license, a name change, or an address change is ~~six~~ ten  
14 dollars. The fee shall be credited to the state motor vehicle fund.

15 Five dollars of every fee for an original or renewal license collected pursuant to this section



1 shall be used to administer the Division of Highway Patrol.

2 Section 3. That § 32-12A-15 be amended to read as follows:

3 32-12A-15. The fee for a commercial driver license is ~~fifteen~~ twenty-five dollars. If  
4 ~~knowledge and skill testing is administered for a commercial driver license, the fee is~~  
5 ~~twenty-five dollars.~~ For each commercial driver license endorsement knowledge test  
6 administered, the fee is ~~five~~ ten dollars. The fee for a duplicate license, a name change, or an  
7 address change is ~~six~~ ten dollars. The fee shall be credited to the state motor vehicle fund.

8 Section 4. That § 32-12-47.1 be amended to read as follows:

9 32-12-47.1. Any person whose license or privilege to drive a motor vehicle on public  
10 highways has been revoked, suspended, or disqualified may not have the license or privilege  
11 renewed or restored unless the period of revocation, suspension, or disqualification has expired.  
12 The period of revocation, suspension, or disqualification shall begin on the date the revoked,  
13 suspended, or disqualified license is received by the Department of Public Safety or the court,  
14 or on the date the suspension order is effective for failure to comply with a citation. At the  
15 expiration of the period of revocation, suspension, or disqualification, a person may make  
16 application for license reinstatement as provided by law and shall pay a license fee of fifty  
17 dollars plus application fees pursuant to § 32-12-16; a license fee of seventy-five dollars plus  
18 application fees pursuant to § 32-12-16 if revocation of the license was a result of a conviction  
19 for a violation of § 32-23-2; a license fee of one hundred dollars plus application fees pursuant  
20 to § 32-12-16 if revocation of the license was a result of a conviction for a violation of § 32-33-  
21 18, or a second or subsequent conviction for a violation of § 32-24-1 within a period of one  
22 year; a license fee of one hundred twenty-five dollars plus application fees pursuant to § 32-12-  
23 16 if revocation of the license was a result of a conviction for a violation of § 32-23-3; a license  
24 fee of one hundred seventy-five dollars plus application fees pursuant to § 32-12-16 if

1 revocation of the license was a result of a conviction for a violation of § 32-23-4, 32-23-4.6, or  
2 32-23-4.7; or a license fee of two hundred dollars plus application fees pursuant to § 32-12-16  
3 if revocation of the license was the result of a conviction for a violation of § 22-16-41 or 22-18-  
4 36. A person making application following a revocation shall fulfill all knowledge examination  
5 requirements of a new applicant. A person who had a restricted minor's permit, motorcycle  
6 restricted minor's permit, instruction permit, or motorcycle instruction permit, or privilege to  
7 apply for a permit or license suspended pursuant to § 32-12-15 need not pay the fee prior to  
8 reinstatement of the license unless the suspension is for a conviction of a moving traffic offense  
9 assessed six or more points by § 32-12-49.1.

10 Section 5. That § 32-12-48 be amended to read as follows:

11 32-12-48. If a defendant is convicted under § 32-23-2~~or~~, 32-23-3, 32-23-4, 32-23-4.6, or  
12 32-23-4.7, the period of revocation shall commence on the date the driver license was  
13 surrendered to and received by the Department of Public Safety. However, the surrender to the  
14 court at the time of conviction is considered a surrender to the department. At the conclusion  
15 of the period of revocation ordered by the court and if future proof is filed with the Department  
16 of Public Safety as required by chapter 32-35, the defendant may submit an application for a  
17 driver license, accompanied by a fee of ~~fifty~~ seventy-five dollars if revocation of the license  
18 for a conviction under § 32-23-2, one hundred twenty-five dollars if revocation of the license  
19 was for a conviction under § 32-23-3, or one hundred seventy-five dollars if revocation of the  
20 license was for a conviction under § 32-23-4, 32-23-4.6, or 32-23-4.7. The department may  
21 issue a driver license to the defendant, if, after an investigation of the character, habits and  
22 driving ability of the defendant, the department is satisfied it is safe to grant the privilege of  
23 driving a motor vehicle to the defendant. A driver license issued under the provisions of this  
24 section shall show the restrictions, if any, imposed by the court and the date when the

1 restrictions are to cease.

2 Section 6. That § 32-35-101 be amended to read as follows:

3 32-35-101. The Department of Public Safety shall furnish to any person upon request a  
4 certified abstract of the operating record for the last three years of any person subject to the  
5 provisions of this chapter. The abstract shall include enumeration of any motor vehicle accidents  
6 in which the person has been involved and reference to any convictions of the person for a  
7 violation of the motor vehicle laws as reported to the department. No accident may be entered  
8 on the driving record of a law enforcement officer, firefighter, or emergency medical technician  
9 if the accident resulted from the law enforcement officer's, firefighter's, or emergency medical  
10 technician's response to a call of duty as a law enforcement officer, firefighter, or emergency  
11 medical technician and the law enforcement officer, firefighter, or emergency medical  
12 technician was lawfully engaged in the performance of official duties and was driving an official  
13 vehicle. The accident shall be recorded separately. No accident may be entered on the driving  
14 record of an operator of emergency snow removal equipment if the accident resulted from the  
15 operator's response to an emergency call of duty as an operator of emergency snow removal  
16 equipment and the operator was lawfully engaged in the performance of official duties in  
17 support of an emergency call of duty by a law enforcement officer, firefighter, or emergency  
18 medical technician and was driving official snow removal equipment. The accident shall be  
19 recorded separately. The department shall collect ~~four~~ five dollars for each abstract. The fee  
20 shall be credited to the state motor vehicle fund. Any governmental entity or subdivision is  
21 exempt from this fee.

22 Section 7. That § 32-12A-63 be amended to read as follows:

23 32-12A-63. The department shall furnish to any person upon request a certified abstract of  
24 the operating record for the last three years of any person subject to the provisions of chapter

1 32-35. The abstract shall include enumeration of any motor vehicle accident in which the person  
2 has been involved and reference to any conviction of the person for a violation of any motor  
3 vehicle law as reported to the department. The department shall collect ~~four~~ five dollars for each  
4 abstract. The fee shall be credited to the state motor vehicle fund. No governmental entity or  
5 subdivision is subject to this fee.

6 The department shall furnish, upon request and a payment of a fee of ~~four~~ five dollars, full  
7 information regarding the driver record for the last three years of a person who has been issued  
8 a commercial driver license to an employer or to a prospective employer if the person has given  
9 written consent to the employer or prospective employer to obtain this information. The  
10 department shall furnish this same information to the driver upon the payment of a fee of ~~four~~  
11 five dollars. The information shall include any disqualification and any other licensing action  
12 for a violation of any state or local law relating to motor vehicle traffic control, other than a  
13 parking violation committed in any type of vehicle. The fee shall be credited to the state motor  
14 vehicle fund. No governmental entity or subdivision is subject to this fee.