

State of South Dakota

SEVENTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 1998

400B0326

SENATE BILL NO. 62

Introduced by: The Committee on Commerce at the request of the Department of Commerce
and Regulation

1 FOR AN ACT ENTITLED, An Act to establish the suspension periods for certain violations of
2 traffic laws and for fraudulently using a driver license or nondriver identification card.

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

4 Section 1. That § 32-12-49 be amended to read as follows:

5 32-12-49. The secretary of commerce and regulation may suspend, revoke, disqualify, or
6 cancel the license of an operator after opportunity for hearing pursuant to chapter 1-26 if hearing
7 is demanded, upon a showing by its records or other sufficient evidence that the licensee:

8 (1) Has been convicted of an offense for which mandatory suspension, revocation, or
9 disqualification of license is required;

10 (2) Appears by the records of the division to be an habitually reckless or negligent
11 operator of a motor vehicle or to have repeatedly violated any of the state traffic laws,
12 municipal ordinances which are in strict conformity with state law and adopted by a
13 local authority other than regulations governing parking, traffic laws of another state,
14 or any of the county speed limits set pursuant to law. The secretary of commerce and
15 regulation shall implement the method of weighing traffic convictions provided in §

1 32-12-49.1;

2 (3) Is physically or mentally incompetent to drive a motor vehicle;

3 (4) ~~Has permitted an unlawful or fraudulent use of a license~~ violated § 32-12-17.3, 32-12-
4 17.4, 32-12-17.5, 32-12-17.6, 32-12-67, 32-12-69, 32-12-70, or 32-12-71;

5 (5) Has committed an offense in another state which if committed in this state would be
6 grounds for suspension, revocation, or disqualification;

7 (6) Has failed to pay a fine or comply with the terms of a citation issued in the state;

8 (7) Has failed to pay a fine or comply with the terms of a citation issued by a state
9 covered by the nonresident violators compact; or

10 (8) Has made a false statement or representation or fails to disclose a material fact in
11 order to obtain a license or nondriver identification card.

12 In determining whether a license should be suspended or revoked under this section, the
13 director may not consider any offense which is more than four years old.

14 The secretary of commerce and regulation may promulgate rules in regard to driver license
15 suspension, revocation, disqualification, and cancellation in the following areas:

16 (1) Point accumulation;

17 (2) Physical or mental incompetence;

18 (3) Unlawful possession or use of license or nondriver identification card;

19 (4) Out-of-state convictions;

20 (5) Failure to comply with citations issued in this state or another state;

21 (6) Misrepresentation or omissions of material fact to obtain a license or nondriver
22 identification card.

23 Section 2. That chapter 32-12 be amended by adding thereto a NEW SECTION to read as
24 follows:

25 The department shall impose a period of suspension for violations meeting the conditions of

1 subdivision 32-12-49(2) or (4), based on the licensee's record during the last forty-eight months,
2 according to the following schedule:

- 3 (1) First suspension - sixty days;
4 (2) Second suspension - six months; and
5 (3) Subsequent suspension - one year.

6 Section 3. That ARSD 61:18:01:08 be repealed.

7 ~~61:18:01:08. Periods of suspension. The department shall impose a period of suspension for~~
8 ~~violations of SDCL 32-12-49(2) or (4) according to the following schedule, based on the~~
9 ~~licensee's record during the last 24 months:~~

- 10 ~~—(1) First suspension - 60 days;~~
11 ~~—(2) Second suspension - 6 months; and~~
12 ~~—(3) Subsequent suspension - 1 year.~~

13 Section 4. That ARSD 61:18:04:01 be repealed.

14 ~~61:18:04:01. Unlawful possession or fraudulent use of license. Upon receipt of a record of a~~
15 ~~person's conviction of any of the provisions of SDCL 32-12-67, 32-12-69, 32-12-70, or 32-12-~~
16 ~~71 concerning unlawful possession or fraudulent use of a driver's license, the person's driver's~~
17 ~~license or driving privilege is subject to suspension in accordance with the procedures in chapter~~
18 ~~61:18:01.~~