

State of South Dakota

SEVENTY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 1999

637C0823

SENATE BILL NO. 225

Introduced by: Senators Daugaard, Albers, Bogue, and Munson (David) and Representatives Brown (Jarvis), Broderick, Fischer-Clemens, and Peterson

1 FOR AN ACT ENTITLED, An Act to prohibit any person under the age of twenty-one from
2 operating a motor vehicle if there is any alcohol present in the person's blood.

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

4 Section 1. That § 32-23-21 be amended to read as follows:

5 32-23-21. It is a Class 2 misdemeanor for any person under the age of twenty-one years to
6 drive, operate, or be in actual physical control of any motor vehicle:

7 (1) If there is any physical evidence of ~~0.02 percent or more by weight~~ of alcohol in the
8 person's blood as shown by chemical analysis of the person's breath, blood, or other
9 bodily substance; or

10 (2) After having consumed marijuana or any controlled drug or substance for as long as
11 physical evidence of the consumption remains present in the person's body.

12 If a person is found guilty of a violation of this section, the Unified Judicial System shall
13 notify the Department of Commerce and Regulation. Upon receipt of notification from the
14 Unified Judicial System of the court's determination, the secretary of the department shall
15 suspend that person's driver's license or operating privilege for a period of six months for a first
16 offense or one year for any second or subsequent offense.