

AN ACT

ENTITLED, An Act to permit certain persons whose driving privileges have been suspended or revoked to attend counseling programs.

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

Section 1. That § 32-12-52.3 be amended to read as follows:

32-12-52.3. Upon a first conviction or a first adjudication of delinquency for a violation, while in a motor vehicle, of §§ 22-42-5 to 22-42-11, inclusive, § 22-42A-3 or 22-42A-4, the court shall revoke the driver's license or driving privilege of the person so convicted for a period of one hundred eighty days.

Upon a second or subsequent conviction or a second or subsequent adjudication of delinquency for a violation, while in a motor vehicle, of §§ 22-42-5 to 22-42-11, inclusive, § 22-42A-3 or 22-42A-4, the court shall revoke the driver's license or driving privilege of the person so convicted for a period of one year or until the person's seventeenth birthday, whichever is a longer period of time. For any offense under this section, the court may issue an order permitting the person to operate a motor vehicle for purposes of the person's employment, attendance at school, or counseling programs. Notwithstanding the provisions of chapters 26-7A, 26-8A, 26-8B, and 26-8C, the Unified Judicial System shall notify the Department of Commerce and Regulation of any conviction or adjudication of delinquency for a violation, while in a motor vehicle, of §§ 22-42-5 to 22-42-11, inclusive, § 22-42A-3 or 22-42A-4. The period of revocation shall begin on the date the person's revoked driver's license is received by the court or the department. At the expiration of the revocation period, a person may make application as provided by law and shall pay the license fee prescribed in § 32-12-47.1.

Section 2. That § 32-12-52.4 be amended to read as follows:

32-12-52.4. Upon a first conviction for violation, while in a motor vehicle, of § 35-9-2, the court

shall suspend the driver's license or driving privilege of any driver of a vehicle who was under the age of twenty-one when the offense occurred, for a period of six months.

Upon a second or subsequent conviction for a violation, while in a motor vehicle, of § 35-9-2, the court shall suspend the driver's license or driving privilege of any driver of a vehicle who was under the age of twenty-one when the offense occurred, for a period of one year. For any offense under this section, the court may issue an order permitting the person to operate a motor vehicle for purposes of the person's employment, attendance at school, or attendance at counseling programs.

Notwithstanding the provisions of chapters 26-7A, 26-8A, 26-8B, and 26-8C, the Unified Judicial System shall notify the Department of Commerce and Regulation of any conviction for a violation, while in a motor vehicle, of § 35-9-2 or chapter 32-23. The period of suspension shall begin on the date the person's suspended driver's license is received by the court or the Department of Commerce and Regulation. At the expiration of the period of suspension, a person may make application to have the license reinstated and pay the license fee as prescribed in § 32-12-47.1.

Section 3. That § 32-33-18 be amended to read as follows:

32-33-18. Any driver of a motor vehicle who intentionally fails or refuses to bring a vehicle to a stop, or who otherwise flees or attempts to elude a pursuing law enforcement vehicle, when given visual or audible signal to bring the vehicle to a stop, is guilty of eluding. The signal given by the law enforcement officer may be by hand, voice, emergency light, or siren. The officer giving the signal shall be in uniform, prominently displaying a badge of office, and the vehicle shall be appropriately marked showing it to be an official law enforcement vehicle.

Eluding is a Class 1 misdemeanor. In addition, the court shall order that the defendant's driver's license be revoked for one year, but may issue an order allowing the defendant to operate a motor vehicle for purposes of the defendant's employment, attendance at school, or counseling programs. Any person who is found guilty of eluding is subject to the additional enhanced penalties if the course

of eluding results in:

- (1) Death or great bodily injury to another person, a Class 4 felony; and
- (2) Substantial bodily injury to another person or property damage in excess of five hundred dollars to property belonging to a person other than the person eluding, a Class 6 felony.

For any subsequent violation, the court shall order that the defendant's driver's license be revoked for five years.

An Act to permit certain persons whose driving privileges have been suspended or revoked to attend counseling programs.

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I certify that the attached Act originated in the

HOUSE as Bill No. 1076

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. 1076
File No. _____
Chapter No. _____

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Received at this Executive Office this _____ day of _____ ,

20____ at _____ M.

By _____
for the Governor

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The attached Act is hereby approved this _____ day of _____ , A.D., 20____

Governor

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STATE OF SOUTH DAKOTA,
ss.

Office of the Secretary of State

Filed _____ , 20____
at _____ o'clock __ M.

Secretary of State

By _____
Asst. Secretary of State