

State of South Dakota

SEVENTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2001

448E0567

SENATE ENGROSSED NO. **HB 1154** - 02/23/2001

Introduced by: Representatives Adelstein, Abdallah, Brown (Richard), and Duniphan and
Senator Whiting

1 FOR AN ACT ENTITLED, An Act to clarify the application of certain driving privilege
2 penalties with regard to juvenile adjudications.

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

4 Section 1. That § 32-12-52.4 be amended to read as follows:

5 32-12-52.4. Upon a first conviction or a first adjudication of delinquency for violation, while
6 in a motor vehicle, of § 35-9-2, the court shall suspend the driver's license or driving privilege
7 of any driver of a vehicle who was under the age of twenty-one when the offense occurred, for
8 a period of six months.

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

15 Notwithstanding the provisions of chapters 26-7A, 26-8A, 26-8B, and 26-8C, the Unified

1 Judicial System shall notify the Department of Commerce and Regulation of any conviction or
2 adjudication for a violation, while in a motor vehicle, of § 35-9-2 or chapter 32-23. The period
3 of suspension shall begin on the date the person's suspended driver's license is received by the
4 court or the Department of Commerce and Regulation. At the expiration of the period of
5 suspension, a person may make application to have the license reinstated and pay the license fee
6 as prescribed in § 32-12-47.1.

7 Section 2. That § 35-9-7 be amended to read as follows:

8 35-9-7. If the conviction or adjudication for a violation of § ~~35-9-1~~, 35-9-1.1, or 35-9-2 is
9 for a first offense, the court shall, in addition to any other penalty allowed by law, order the
10 ~~revocation~~ suspension of the defendant's driving privileges for a period not less than thirty days
11 and not to exceed one year. However, the court may issue an order permitting the person to
12 operate a motor vehicle for purposes of the person's employment or attendance at school or to
13 court-ordered counseling programs during the hours of the day and the days of the week set
14 forth in the order. The court may also restrict the privilege in such manner as it sees fit for a
15 period not to exceed one year.

16 If the conviction or adjudication for a violation of § ~~35-9-1~~, 35-9-1.1, or 35-9-2 is for a
17 second or subsequent offense, the court shall, in addition to any other penalty allowed by law,
18 order the ~~revocation~~ suspension of the defendant's driving privileges for a period not less than
19 sixty days and not to exceed one year.

20 Section 3. That chapter 35-9 be amended by adding thereto a NEW SECTION to read as
21 follows:

22 If the conviction or adjudication for a violation of § 35-9-1 is for a first offense, the court
23 shall, in addition to any other penalty allowed by law, order the revocation of the defendant's
24 driving privileges for a period not less than thirty days and not to exceed one year. However, the

1 court may issue an order permitting the person to operate a motor vehicle for purposes of the
2 person's employment or attendance at school or to court-ordered counseling programs during
3 the hours of the day and the days of the week set forth in the order. The court may also restrict
4 the privilege in such manner as it sees fit for a period not to exceed one year.

5 If the conviction or adjudication for a violation of § 35-9-1 is for a second or subsequent
6 offense, the court shall, in addition to any other penalty allowed by law, order the revocation of
7 the defendant's driving privileges for a period not less than sixty days and not to exceed one year.