

AN ACT

ENTITLED, An Act to clarify the application of certain driving privilege penalties with regard to juvenile adjudications.

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

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

32-12-52.4. Upon a first conviction or a first adjudication of delinquency 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 or a second or subsequent adjudication of delinquency 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 or attendance at school.

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

35-9-7. If the conviction or adjudication for a violation of § 35-9-1.1 or 35-9-2 is for a first offense, the court shall, in addition to any other penalty allowed by law, order the suspension of the

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

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

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

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

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

An Act to clarify the application of certain driving privilege penalties with regard to juvenile adjudications.

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I certify that the attached Act originated in the

HOUSE as Bill No. 1154

\_\_\_\_\_  
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. 1154  
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