

State of South Dakota

SEVENTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2002

673H0673

HOUSE COMMERCE COMMITTEE ENGROSSED NO.

SB 148 - 02/14/2002

Introduced by: Senators Brosz, Brown (Arnold), Daugaard, and Whiting and Representatives
Solum, Koistinen, and Konold

1 FOR AN ACT ENTITLED, An Act to revise and extend certain provisions relating to the
2 licensure of drivers who have experienced epileptic, narcoleptic, or other convulsions,
3 seizures, or blackouts.

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

5 Section 1. That § 32-12-5.1 be amended to read as follows:

6 32-12-5.1. The Department of Commerce and Regulation ~~may~~ shall deny the issuance of a
7 motor vehicle operator's license, motorcycle operator's license, restricted minor's permit,
8 motorcycle restricted minor's permit, instruction permit, or motorcycle instruction permit to any
9 individual who has experienced epileptic, narcoleptic, or other convulsions, seizures, or
10 blackouts, until the individual has experienced a period of twelve months without any such
11 episode. However, upon receipt of a statement signed by the ~~applicant~~ applicant's physician that
12 the applicant's condition is adequately controlled by medication, the applicant is continuing to
13 take medication, and the applicant is under the care of a physician, the Department of Commerce
14 and Regulation may issue a temporary permit to the applicant. This temporary permit is subject



1 to the provisions of § 32-12-36 and is reviewable by the department every six months, or until
2 the applicant has gone a period of twelve months without any episode.

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

5 The Department of Commerce and Regulation shall revoke, for a period of twelve months,
6 any motor vehicle operator's license and any other such licenses or permits previously issued to
7 an individual who, during an epileptic, narcoleptic, or other convulsion, seizure, or blackout,
8 causes a motor vehicle or motorcycle accident resulting in death, serious bodily injury, or
9 substantial property damage. At the conclusion of the twelve-month period, the individual is
10 eligible to apply for a temporary permit pursuant to the conditions provided in § 32-12-5.1.