

2025 South Dakota Legislature

Senate Bill 73**AMENDMENT 73C
FOR THE INTRODUCED BILL**

1 **An Act to amend the definition of principal residence with regard to driver licenses**
2 **to conform to voter registration requirements.**

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

4 **Section 1. That § 32-12-1 be AMENDED:**

5 **32-12-1.** ~~For purposes of this chapter, terms are defined in § 32-14-1. Terms~~In
6 addition to the terms defined in § 32-14-1, terms used in this chapter mean:

- 7 (1) "Driver license," a document issued by a state or jurisdiction to an individual that
8 authorizes the individual to drive a motor vehicle, including an operator's license,
9 motorcycle operator's license, restricted minor's permit, motorcycle restricted
10 minor's permit, instruction permit, motorcycle instruction permit, and temporary
11 permit;
- 12 (2) "Operator's license," any document issued by a state or jurisdiction to an individual
13 that bestows full driving privileges upon the individual; and
- 14 (3) "Personally identifiable information," any information that can be used to
15 distinguish or trace an individual's identity, such as name, social security number,
16 or driver license or nondriver identification card number; and
- 17 (4) "Principal residence," the physical location in this state where a person an individual
18 currently resides even if at a temporary address lives and has lived for at least
19 thirty days.

20 **Section 2. That a NEW SECTION be added to chapter 32-12:**

21 If an individual has lived in the state for at least thirty days and does not live at a
22 fixed, permanent, or private structure, the individual may use as the individual's principal
23 residence, one of the following locations in this state:

- 24 (1) A homeless shelter to which the individual regularly returns;
25 (2) The place at which the individual is a resident; ~~or~~

- 1 ~~(3) The courthouse of the county in which the individual is a resident; or~~
- 2 ~~(4) A general delivery address for a post office covering the location where the~~
- 3 ~~individual is a resident.~~

4 An individual who is otherwise qualified to be issued a driver's license may not be
 5 refused a driver's license because the individual does not live in a fixed permanent, or
 6 private structure.

7 **Section 3. That § 32-12A-1 be AMENDED:**

8 **32-12A-1.** Terms used in this chapter mean:

- 9 (1) "Alcohol," any substance containing any form of alcohol;
- 10 (2) "Commercial driver license," or "CDL," a license issued in accordance with the
- 11 requirements of this chapter to an individual that authorizes the individual to drive
- 12 a class of commercial motor vehicle;
- 13 (3) "Commercial driver license information system," or "CDLIS," the information
- 14 system established pursuant to the Commercial Motor Vehicle Safety Act (CMVSA)
- 15 to serve as a clearinghouse for locating information related to the licensing and
- 16 identification of commercial motor vehicle drivers;
- 17 (4) "Commercial learner's permit" or "CLP," a permit issued pursuant to § 32-12A-12;
- 18 (5) "Commercial motor vehicle" or "(CMV)," a motor vehicle designed or used to
- 19 transport passengers or property:
 - 20 (a) If the vehicle has a gross combination weight rating of twenty-six thousand
 - 21 one pounds or more and the towed unit has a gross vehicle weight rating
 - 22 of more than ten thousand pounds;
 - 23 (b) If the vehicle has a gross vehicle weight rating of twenty-six thousand one
 - 24 or more pounds;
 - 25 (c) If the vehicle is designed to transport sixteen or more passengers, including
 - 26 the driver; or
 - 27 (d) If the vehicle is of any size and is used in the transportation of hazardous
 - 28 materials and is required to be placarded in accordance with 49 C.F.R. Part
 - 29 172, Subpart F, as amended through January 1, 2015;
- 30 (6) "Controlled substance," any substance so classified under section 102(6) of the
- 31 Controlled Substances Act (21 U.S.C. § 802(6)), and includes all substances listed
- 32 on Schedules I through V, of 21 C.F.R. Part 1308, inclusive, as amended through
- 33 January 1, 2015;

- 1 (7) "Conviction," an unvacated adjudication of guilt, or a determination that a person
2 has violated or failed to comply with the law in a court of original jurisdiction or an
3 authorized administrative tribunal, an unvacated forfeiture of bail or collateral
4 deposited to secure the person's appearance in court, a plea of guilty or nolo
5 contendere accepted by the court, the payment of a fine or court cost, or violation
6 of a condition of release without bail, regardless of whether or not the penalty is
7 rebated, suspended, or probated;
- 8 (8) "Department," the Department of Public Safety;
- 9 (9) "Disqualification," any of the following actions:
- 10 (a) The suspension, revocation, or cancellation of a commercial learner's permit
11 or a commercial driver license by the state or jurisdiction of issuance;
- 12 (b) Any withdrawal of a person's privileges to drive a commercial motor vehicle
13 by a state or other jurisdiction as the result of a violation of state or local
14 law relating to motor vehicle traffic control (other than parking, vehicle
15 weight, or vehicle defect violations); or
- 16 (c) A determination by the Federal Motor Carrier Safety Administration that a
17 person is not qualified to operate a commercial motor vehicle;
- 18 (10) "Domicile," the state where a person has that person's true, fixed, and permanent
19 home and principal residence and to which that person has the intention of
20 returning whenever that person is absent;
- 21 (11) "Drive," to drive, operate, or be in actual physical control of a motor vehicle;
- 22 (12) "Driver," any person who drives, operates, or is in actual physical control of a
23 commercial motor vehicle, or who is required to hold a commercial learner's permit
24 or commercial driver license;
- 25 (13) "Employer," any person, including the United States, a state, or a political
26 subdivision of a state, who owns or leases a commercial motor vehicle, or assigns
27 a person to drive a commercial motor vehicle;
- 28 (14) "Endorsement," an authorization to a person's commercial learner's permit or
29 commercial driver license required to allow the person to operate certain types of
30 commercial motor vehicles;
- 31 (15) "Fatality," the death of a person as the result of a motor vehicle accident;
- 32 (16) "Felony," any offense under state or federal law that is punishable by death or
33 imprisonment for a term exceeding one year;
- 34 (17) "Foreign jurisdiction," any jurisdiction other than a state of the United States;

- 1 (18) "Gross combination weight rating" or "GCWR," the value specified by the
2 manufacturer as the loaded weight of a combination (articulated) vehicle. In the
3 absence of a value specified by the manufacturer, GCWR shall be determined by
4 adding the GVWR of the power unit and the total weight of the towed unit and any
5 load thereon;
- 6 (19) "Gross vehicle weight rating," or "GVWR," the value specified by the manufacturer
7 as the loaded weight of a single vehicle;
- 8 (20) "Hazardous materials," any material that has been designated as hazardous under
9 49 U.S.C. 5103 as amended through January 1, 2015, and is required to be
10 placarded under subpart F of 49 C.F.R. part 172 or any quantity of a material listed
11 as a select agent or toxin in 42 C.F.R. part 73, as amended through January 1,
12 2015;
- 13 (21) "Imminent hazard," the existence of a condition that presents a substantial
14 likelihood that death, serious illness, severe personal injury, or a substantial
15 endangerment to health, property, or the environment may occur before the
16 reasonably foreseeable completion date of a formal proceeding begun to lessen the
17 risk of that death, illness, injury, or endangerment;
- 18 (22) "Medical variance," the receipt of one of the following that allows a driver to be
19 issued a medical certificate:
- 20 (a) An exemption letter permitting operation of a commercial motor vehicle
21 pursuant to 49 C.F.R. part 381 or 49 C.F.R. part 391, as amended through
22 January 1, 2015; or
- 23 (b) A skill performance evaluation certificate permitting operation of a
24 commercial motor vehicle pursuant to 49 C.F.R. part 391, as amended
25 through January 1, 2015;
- 26 (23) "Motor vehicle," a vehicle, machine, tractor, trailer, or semitrailer propelled or
27 drawn by mechanical power, used on highways, but does not include any vehicle,
28 machine, tractor, trailer, or semitrailer operated exclusively on a rail;
- 29 (24) "Noncommercial motor vehicle," a motor vehicle or combination of motor vehicles
30 not defined as a commercial motor vehicle;
- 31 (25) "Nondomiciled CLP or CDL," a commercial learner's permit or commercial driver
32 license issued by a state to a person who resides in a foreign jurisdiction or a
33 person domiciled in another state that is prohibited from issuing commercial driver
34 licenses by the Federal Motor Carrier Safety Administration;

- 1 (26) "Notice of final administrative decision," a determination rendered by an agency of
2 competent jurisdiction when all avenues of appeal have been exhausted or time to
3 appeal has elapsed;
- 4 (27) "Operator's license," any license issued by a state to a person which authorizes the
5 person full privileges to drive a motor vehicle;
- 6 (28) "Out-of-service order," an out-of-service order as defined by 49 C.F.R. part 390.5,
7 as of January 1, 2015;
- 8 (29) "Principal residence," the location where an individual currently resides, even if at
9 a temporary address;
- 10 (30) "Recreational vehicle," a vehicle which is self-propelled or permanently towable by
11 a light duty truck and designed primarily not for use as a permanent dwelling but
12 as temporary living quarters for recreational, camping, travel, or seasonal use;
- 13 ~~(30)~~(31) "School bus," any motor vehicle that is used to transport sixteen or more
14 passengers, including the driver, and is used to transport pre-primary, primary, or
15 secondary school students from home to school, from school to home, or to and
16 from school-sponsored events. School bus does not include a bus used as a
17 common carrier;
- 18 ~~(31)~~(32) "Serious traffic violation," a conviction of:
- 19 (a) Excessive speeding, involving a single charge of any speed fifteen miles per
20 hour or more, above the posted speed limit, in violation of chapter 32-25;
- 21 (b) Reckless driving, in violation of § 32-24-1;
- 22 (c) Careless driving, in violation of § 32-24-8;
- 23 (d) Improper or erratic traffic lane changes, in violation of § 32-26-6;
- 24 (e) Following the vehicle ahead too closely, in violation of § 32-26-40;
- 25 (f) A violation of any state or local law related to motor vehicle traffic control,
26 other than a parking violation, arising in connection with a fatal accident;
- 27 (g) Failure to stop or yield, in violation of §§ 32-29-2.1, 32-29-2.2, 32-29-3,
28 and 32-29-4;
- 29 (h) Failure to stop or slow vehicle for a school bus, in violation of § 32-32-6;
- 30 (i) Eluding a police vehicle, in violation of § 32-33-18;
- 31 (j) Overtaking or passing another vehicle, in violation of §§ 32-26-26, 32-26-
32 27, 32-26-28, 32-26-34, 32-26-35, 32-26-36, and 32-26-37;
- 33 (k) Driving a commercial motor vehicle without obtaining a commercial
34 learner's permit or commercial driver license, in violation of § 32-12A-6;

- 1 (l) Driving a commercial motor vehicle without a commercial learner's permit
2 or commercial driver license in the driver's possession in violation of § 32-
3 12A-6. Any person who provides proof to the court or to the enforcement
4 authority that issued the citation, by the date the person was required to
5 appear in court or to pay a fine for the violation, that the person held a valid
6 commercial learner's permit or commercial driver license on the date the
7 citation was issued, is not guilty of a serious traffic violation;
- 8 (m) Driving a commercial motor vehicle without the proper class of commercial
9 learner's permit, commercial driver license, or endorsement for the specific
10 vehicle group being operated or for the passengers or type of cargo being
11 transported in violation of § 32-12A-6; or
- 12 (n) Violating a federal, state, or local law or rule prohibiting texting while driving
13 a commercial motor vehicle;
- 14 (o) Utilizing a hand-held mobile telephone while driving a commercial motor
15 vehicle;
- 16 ~~(32)~~(33) "State," a state of the United States and the District of Columbia;
- 17 ~~(33)~~(34) "United States," the fifty states and the District of Columbia.