

2025 South Dakota Legislature

Senate Bill 73**AMENDMENT 73E
FOR THE SENATE STATE AFFAIRS ENGROSSED BILL**

1 **An Act to ~~amend the definition of principal residence with regard to driver licenses~~**
2 **~~to conform to voter registration requirements~~ require that an individual**
3 **~~registering as a voter when applying for a driver license be a resident of this~~**
4 **~~state for the purposes of voting.~~**

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

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

7 ~~**32-12-1.** For purposes of this chapter, terms are defined in § 32-14-1. Terms In~~
8 ~~addition to the terms defined in § 32-14-1, terms used in this chapter mean:~~

9 (1) ~~—"Driver license," a document issued by a state or jurisdiction to an individual that~~
10 ~~authorizes the individual to drive a motor vehicle, including an operator's license,~~
11 ~~motorcycle operator's license, restricted minor's permit, motorcycle restricted~~
12 ~~minor's permit, instruction permit, motorcycle instruction permit, and temporary~~
13 ~~permit;~~

14 (2) ~~—"Operator's license," any document issued by a state or jurisdiction to an individual~~
15 ~~that bestows full driving privileges upon the individual; and~~

16 (3) ~~—"Personally identifiable information," any information that can be used to~~
17 ~~distinguish or trace an individual's identity, such as name, social security number,~~
18 ~~or driver license or nondriver identification card number; and~~

19 (4) ~~—"Principal residence," the location where a person currently resides even if at a~~
20 ~~temporary address the location where an individual maintains an actual fixed~~
21 ~~permanent dwelling, establishment, or any other abode where the individual lives~~
22 ~~and usually sleeps for at least thirty consecutive days.~~

23 **Section 1. That a NEW SECTION be added to chapter 32-12:**

24 ~~If an individual registers as a voter when applying for a South Dakota driver license,~~
25 ~~the individual must be a resident of this state, as defined in § 12-1-4.~~

1 Nothing prohibits an individual who does not meet the definition of a resident in §
 2 12-1-4 from applying for a South Dakota driver license without applying to register as a
 3 voter.

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

5 ~~**32-12A-1.** Terms used in this chapter mean:~~

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

- 1 ~~contendere accepted by the court, the payment of a fine or court cost, or violation~~
2 ~~of a condition of release without bail, regardless of whether or not the penalty is~~
3 ~~rebated, suspended, or probated;~~
- 4 ~~(8) "Department," the Department of Public Safety;~~
- 5 ~~(9) "Disqualification," any of the following actions:~~
- 6 ~~(a) The suspension, revocation, or cancellation of a commercial learner's permit~~
7 ~~or a commercial driver license by the state or jurisdiction of issuance;~~
- 8 ~~(b) Any withdrawal of a person's privileges to drive a commercial motor vehicle~~
9 ~~by a state or other jurisdiction as the result of a violation of state or local~~
10 ~~law relating to motor vehicle traffic control (other than parking, vehicle~~
11 ~~weight, or vehicle defect violations); or~~
- 12 ~~(c) A determination by the Federal Motor Carrier Safety Administration that a~~
13 ~~person is not qualified to operate a commercial motor vehicle;~~
- 14 ~~(10) "Domicile," the state where a person has that person's true, fixed, and permanent~~
15 ~~home and principal residence and to which that person has the intention of~~
16 ~~returning whenever that person is absent;~~
- 17 ~~(11) "Drive," to drive, operate, or be in actual physical control of a motor vehicle;~~
- 18 ~~(12) "Driver," any person who drives, operates, or is in actual physical control of a~~
19 ~~commercial motor vehicle, or who is required to hold a commercial learner's permit~~
20 ~~or commercial driver license;~~
- 21 ~~(13) "Employer," any person, including the United States, a state, or a political~~
22 ~~subdivision of a state, who owns or leases a commercial motor vehicle, or assigns~~
23 ~~a person to drive a commercial motor vehicle;~~
- 24 ~~(14) "Endorsement," an authorization to a person's commercial learner's permit or~~
25 ~~commercial driver license required to allow the person to operate certain types of~~
26 ~~commercial motor vehicles;~~
- 27 ~~(15) "Fatality," the death of a person as the result of a motor vehicle accident;~~
- 28 ~~(16) "Felony," any offense under state or federal law that is punishable by death or~~
29 ~~imprisonment for a term exceeding one year;~~
- 30 ~~(17) "Foreign jurisdiction," any jurisdiction other than a state of the United States;~~
- 31 ~~(18) "Gross combination weight rating" or "GCWR," the value specified by the~~
32 ~~manufacturer as the loaded weight of a combination (articulated) vehicle. In the~~
33 ~~absence of a value specified by the manufacturer, GCWR shall be determined by~~
34 ~~adding the GVWR of the power unit and the total weight of the towed unit and any~~
35 ~~load thereon;~~

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

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

- 1 ~~commercial learner's permit or commercial driver license on the date the~~
2 ~~citation was issued, is not guilty of a serious traffic violation;~~
3 ~~(m) — Driving a commercial motor vehicle without the proper class of commercial~~
4 ~~learner's permit, commercial driver license, or endorsement for the specific~~
5 ~~vehicle group being operated or for the passengers or type of cargo being~~
6 ~~transported in violation of § 32-12A-6; or~~
7 ~~(n) — Violating a federal, state, or local law or rule prohibiting texting while driving~~
8 ~~a commercial motor vehicle;~~
9 ~~(o) — Utilizing a hand-held mobile telephone while driving a commercial motor~~
10 ~~vehicle;~~
11 ~~(32)(33) — "State," a state of the United States and the District of Columbia;~~
12 ~~(33)(34) — "United States," the fifty states and the District of Columbia.~~