



2025 South Dakota Legislature

Senate Bill 116

HOUSE TRANSPORTATION ENGROSSED

Introduced by: **Senator Peterson (Sue)**

1 **An Act to revise and repeal provisions related to street racing prohibitions and to**
 2 **provide a penalty therefor.**

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

4 **Section 1. That a NEW SECTION be added to chapter 32-24:**

5 For the purposes of sections 2 to 7 of this Act, the following terms mean:

6 (1) "Burnout," a maneuver performed while operating a motor vehicle whereby the
 7 motor vehicle is kept stationary, or is in motion, while the wheels are spun,
 8 resulting in friction that causes the motor vehicle's tires to heat up and emit smoke;

9 (2) "Doughnut," a maneuver performed while operating a motor vehicle whereby the
 10 front or rear of the motor vehicle is rotated around the opposite set of wheels in a
 11 continuous motion that may cause one or both of the following:

12 (a) A circular skid-mark pattern of rubber on the driving surface; or

13 (b) The tires to heat up and emit smoke from friction;

14 (3) "Drag race," the operation of two or more vehicles, from a point, side by side, at
 15 accelerating speeds, in a competitive attempt to outdistance each other, or the
 16 operation of one or more motor vehicles over a common selected course, from the
 17 same point to the same point, for the purpose of comparing the relative speeds or
 18 power of acceleration of the motor vehicles within a certain distance or time limit;

19 (4) "Drifting," a maneuver performed while operating a motor vehicle whereby the
 20 motor vehicle is steered so that it makes a controlled skid sideways through a turn
 21 with the front wheels pointed in a direction opposite to that of the turn;

22 (5) "Race," the use of one or more vehicles in an attempt to:

23 (a) Outgain, outdistance, or prevent another vehicle from passing; or

24 (b) Arrive at a given destination ahead of another vehicle;

- 1 (6) "Street takeover," the taking over of a portion of a public highway, roadway, or
 2 parking lot by blocking or impeding the regular flow of traffic to perform a race,
 3 drag race, or stunt driving;
- 4 (7) "Stunt driving," to perform or engage in a burnout, doughnut, drifting, wheelie, or
 5 other dangerous motor vehicle activity on a public highway, roadway, or parking
 6 lot; and
- 7 (8) "Wheelie" a maneuver performed while operating a motor vehicle whereby a motor
 8 vehicle is ridden for a distance with the front wheel or wheels raised off the ground.

9 **Section 2. That a NEW SECTION be added to chapter 32-24:**

- 10 It is a Class 2 misdemeanor for any person to:
- 11 (1) Drive any motor vehicle on a public highway in a race, speed competition or
 12 contest, acceleration race or contest, or exhibition of speed or acceleration, or to
 13 make a speed record; or
- 14 (2) Participate in any manner in any race, competition, contest, or exhibition prohibited
 15 by subdivision (1).
- 16 Upon conviction under this section, the sentencing court may revoke the
 17 defendant's driver license or privilege to drive for a period of time not to exceed thirty
 18 days. The court may issue an order, upon proof of financial responsibility pursuant to
 19 § 32-35-43.1, permitting the defendant to operate a motor vehicle for purposes of
 20 employment, attendance at school, or attendance at a counseling program.

21 **Section 3. That a NEW SECTION be added to chapter 32-24:**

- 22 It is a Class 1 misdemeanor for any person to:
- 23 (1) Drive any vehicle on a public highway in a race, speed competition or contest,
 24 acceleration race or contest, or exhibition of speed or acceleration, or to make a
 25 speed record, if the conduct is organized or occurs as a result of a competitive
 26 response to conduct on the part of one or more drivers that, under the totality of
 27 the circumstances, can reasonably be interpreted as a challenge to a race; or
- 28 (2) Participate in any manner in any race, competition, contest, or exhibition prohibited
 29 by subdivision (1).
- 30 Upon conviction under this section, the court must revoke the defendant's driver
 31 license for a period of eighteen months. The court may issue an order, upon proof of
 32 financial responsibility pursuant to § 32-25-43.1, permitting the defendant to operate a

1 motor vehicle for purposes of employment, attendance at school, or attendance at a
2 counseling program.

3 **Section 4. That a NEW SECTION be added to chapter 32-24:**

4 It is a Class 6 felony for any person to coordinate or facilitate, or collect money
5 incident to any of the following involving the operation of a motor vehicle on a public
6 highway:

7 (1) A race;

8 (2) A drag race;

9 (3) An organized race prohibited by section 3 of this Act;

10 (4) A speed competition or contest;

11 (5) An acceleration race or contest;

12 (6) An exhibition of speed or acceleration;

13 (7) An exhibition of stunt driving; or

14 (8) A street takeover.

15 **Section 5. That a NEW SECTION be added to chapter 32-24:**

16 If the driver of a motor vehicle used in violation of section 2 or 3 of this Act is
17 unknown, the vehicle is subject to a civil penalty of one thousand dollars.

18 **Section 6. That a NEW SECTION be added to chapter 32-24:**

19 The state's attorney for the county in which a violation of section 2 or 3 of this Act
20 occurs may commence a civil in rem proceeding against the vehicle used in conjunction
21 with the violation. If it is established by a preponderance of the evidence that the charged
22 vehicle was used in violation of section 2 or 3 of this Act, a civil penalty of one thousand
23 dollars must be assessed against the vehicle, which shall constitute a lien on the vehicle
24 until the penalty is satisfied.

25 **Section 7. That a NEW SECTION be added to chapter 32-24:**

26 The lien imposed under sections 5 and 6 of this Act does not apply to a vehicle
27 that, at the time of the violation, is leased, loaned, or being used without the owner's
28 permission. The lien is subordinate to a perfected security interest or lien registered on
29 the title at the time of the violation.

1 **Section 8. That a NEW SECTION be added to chapter 32-24:**

2 The provisions of sections 2 to 6, inclusive, of this Act do not prohibit any person
 3 or motor vehicle from participating in, or any person from coordinating, facilitating, or
 4 collecting money incident to, a public or private race, competition, contest, or exhibition
 5 that is licensed, permitted, or otherwise authorized by the Transportation Commission, as
 6 established in chapter 1-44, or other local authorities on a public highway, roadway, or
 7 parking lot under their jurisdictions.

8 **Section 9. That a NEW SECTION be added to chapter 32-24:**

9 The Transportation Commission, as established in chapter 1-44, or local
 10 authorities, may exempt any person or motor vehicle from compliance with a traffic law
 11 if:

- 12 (1) The driver or vehicle is participating in a race, competition, contest, or exhibition
 13 that is approved by the Transportation Commission or local authorities pursuant to
 14 section 8 of this Act, occurring on a public highway, roadway, or parking lot under
 15 the jurisdiction of the Transportation Commission or local authorities; and
 16 (2) Traffic control is adequate to reasonably assure the safety of all public highway,
 17 roadway, or parking lot users and spectators.

18 **Section 10. That § 32-20B-7 be AMENDED:**

19 **32-20B-7.** ~~Notwithstanding the provisions of § 32-25-23, a~~ A person may race a
 20 bicycle on a highway when competing in a racing event ~~which that~~ that has been approved by
 21 ~~the transportation commission~~ Transportation Commission or local authorities on a
 22 highway under their jurisdictions. Approval of a bicycle highway racing event ~~shall~~ may be
 23 granted only under conditions ~~which that~~ that assure reasonable safety for all race participants,
 24 spectators, and other highway users, and ~~which~~ prevent unreasonable interference with
 25 traffic flow, which would seriously inconvenience other highway users. Tests of endurance
 26 are not considered bicycle racing.

27 **Section 11. That § 32-25-23 be REPEALED.**

28 ~~No person may drive any vehicle on a highway in any race, speed competition or~~
 29 ~~contest, acceleration race or contest, test of physical endurance, exhibition of speed or~~
 30 ~~acceleration, or for the purpose of making a speed record, and no person may in any~~

1 ~~manner participate in any such race, competition, contest, test, or exhibition. A violation~~
2 ~~of this section is a Class 2 misdemeanor.~~

3 **Section 12. That § 32-25-25 be REPEALED.**

4 ~~Racing is defined as the use of one or more vehicles in an attempt to outgain,~~
5 ~~outdistance, or prevent another vehicle from passing, to arrive at a given destination~~
6 ~~ahead of another vehicle or vehicles, or to test the physical stamina or endurance of~~
7 ~~drivers over long distance driving routes.~~