



2025 South Dakota Legislature
Senate Bill 116
ENROLLED

AN ACT

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

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

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

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

- (1) "Burnout," a maneuver performed while operating a motor vehicle whereby the motor vehicle is kept stationary, or is in motion, while the wheels are spun, resulting in friction that causes the motor vehicle's tires to heat up and emit smoke;
- (2) "Doughnut," a maneuver performed while operating a motor vehicle whereby the front or rear of the motor vehicle is rotated around the opposite set of wheels in a continuous motion that may cause one or both of the following:
 - (a) A circular skid-mark pattern of rubber on the driving surface; or
 - (b) The tires to heat up and emit smoke from friction;
- (3) "Drag race," the operation of two or more vehicles, from a point, side by side, at accelerating speeds, in a competitive attempt to outdistance each other, or the operation of one or more motor vehicles over a common selected course, from the same point to the same point, for the purpose of comparing the relative speeds or power of acceleration of the motor vehicles within a certain distance or time limit;
- (4) "Drifting," a maneuver performed while operating a motor vehicle whereby the motor vehicle is steered so that it makes a controlled skid sideways through a turn with the front wheels pointed in a direction opposite to that of the turn;
- (5) "Race," the use of one or more vehicles in an attempt to:
 - (a) Outgain, outdistance, or prevent another vehicle from passing; or
 - (b) Arrive at a given destination ahead of another vehicle;

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

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

It is a Class 2 misdemeanor for any person to:

- (1) Drive any motor vehicle on a public highway in a race, speed competition or contest, acceleration race or contest, or exhibition of speed or acceleration, or to make a speed record; or
- (2) Participate in any manner in any race, competition, contest, or exhibition prohibited by subdivision (1).

Upon conviction under this section, the sentencing court may revoke the defendant's driver license or privilege to drive for a period of time not to exceed thirty days. The court may issue an order, upon proof of financial responsibility pursuant to § 32-35-43.1, permitting the defendant to operate a motor vehicle for purposes of employment, attendance at school, or attendance at a counseling program.

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

It is a Class 1 misdemeanor for any person to:

- (1) Drive any vehicle on a public highway in a race, speed competition or contest, acceleration race or contest, or exhibition of speed or acceleration, or to make a speed record, if the conduct is organized or occurs as a result of a competitive response to conduct on the part of one or more drivers that, under the totality of the circumstances, can reasonably be interpreted as a challenge to a race; or
- (2) Participate in any manner in any race, competition, contest, or exhibition prohibited by subdivision (1).

Upon conviction under this section, the court must revoke the defendant's driver license for a period of eighteen months. The court may issue an order, upon proof of financial responsibility pursuant to § 32-25-43.1, permitting the defendant to operate a

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

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

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

- (1) A race;
- (2) A drag race;
- (3) An organized race prohibited by section 3 of this Act;
- (4) A speed competition or contest;
- (5) An acceleration race or contest;
- (6) An exhibition of speed or acceleration;
- (7) An exhibition of stunt driving; or
- (8) A street takeover.

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 11. That § 32-25-23 be REPEALED.**Section 12. That § 32-25-25 be REPEALED.**

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I certify that the attached Act originated in the:

Received at this Executive Office this ____ day of _____,

Senate as Bill No. 116

2025 at _____ M.

Secretary of the Senate

By _____
for the Governor

President of the Senate

The attached Act is hereby approved this _____ day of _____, A.D., 2025

Attest:

Secretary of the Senate

Governor

STATE OF SOUTH DAKOTA,

ss.

Office of the Secretary of State

Speaker of the House

Attest:

Filed _____, 2025
at _____ o'clock __ M.

Chief Clerk

Secretary of State

Senate Bill No. 116
File No. _____
Chapter No. _____

By _____
Asst. Secretary of State