

AN ACT

ENTITLED, An Act to revise the start date of driver license suspension, revocation, and disqualification periods.

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

Section 1. That § 32-12-47.1 be amended to read:

32-12-47.1. Any person whose license or privilege to drive a motor vehicle on public highways has been revoked, suspended, or disqualified may not have the license or privilege renewed or restored unless the period of revocation, suspension, or disqualification has expired. The period of revocation, suspension, or disqualification shall begin on the date ordered by the court, on the date specified in the notice from the department, or on the date the suspension order is effective for failure to comply with a citation, whichever date is earlier. At the expiration of the period of revocation, suspension, or disqualification, a person may make application for license reinstatement as provided by law and shall pay a license fee of fifty dollars plus application fees pursuant to § 32-12-16; a license fee of seventy-five dollars plus application fees pursuant to § 32-12-16 if revocation of the license was a result of a conviction for a violation of § 32-23-2; a license fee of one hundred dollars plus application fees pursuant to § 32-12-16 if revocation of the license was a result of a conviction for a violation of § 32-33-18, or a second or subsequent conviction for a violation of § 32-24-1 within a period of one year; a license fee of one hundred twenty-five dollars plus application fees pursuant to § 32-12-16 if revocation of the license was a result of a conviction for a violation of § 32-23-3; a license fee of one hundred seventy-five dollars plus application fees pursuant to § 32-12-16 if revocation of the license was a result of a conviction for a violation of § 32-23-4, 32-23-4.6, or 32-23-4.7; or a license fee of two hundred dollars plus application fees pursuant to § 32-12-16 if revocation of the license was the result of a conviction for a violation of § 22-16-41 or 22-18-36. A person making application following a revocation shall fulfill all knowledge examination

requirements of a new applicant. A person who had a restricted minor's permit, motorcycle restricted minor's permit, instruction permit, or motorcycle instruction permit, or privilege to apply for a permit or license suspended pursuant to § 32-12-15 need not pay the fee prior to reinstatement of the license unless the suspension is for a conviction of a moving traffic offense assessed six or more points by § 32-12-49.1.

Section 2. That § 32-12-48 be amended to read:

32-12-48. If a defendant is convicted under § 32-23-2, 32-23-3, 32-23-4, 32-23-4.6, or 32-23-4.7, the period of revocation shall begin on the date ordered by the court or on the date specified the notice from the department, whichever date is earlier. At the conclusion of the period of revocation ordered by the court and if future proof is filed with the Department of Public Safety as required by chapter 32-35, the defendant may submit an application to reinstate the defendant's driver license, accompanied by a fee of seventy-five dollars if revocation of the license was for a conviction under § 32-23-2, one hundred twenty-five dollars if revocation of the license was for a conviction under § 32-23-3, or one hundred seventy-five dollars if revocation of the license was for a conviction under § 32-23-4, 32-23-4.6, or 32-23-4.7. The department may issue a driver license to the defendant, if, after an investigation of the character, habits and driving ability of the defendant, the department is satisfied it is safe to grant the privilege of driving a motor vehicle to the defendant. A driver license issued under the provisions of this section shall show the restrictions, if any, imposed by the court and the date when the restrictions are to cease.

Section 3. That § 32-12-52.3 be amended to read:

32-12-52.3. Upon a first conviction or a first adjudication of delinquency for any violation, while in a vehicle, of §§ 22-42-5 to 22-42-9, inclusive, 22-42A-3, or 22-42A-4, the court shall revoke the driver license or driving privilege of the driver so convicted for a period of ninety days.

Upon a second or subsequent conviction or a second or subsequent adjudication of delinquency

for a violation, while in a vehicle, of §§ 22-42-5 to 22-42-9, inclusive, 22-42A-3, or 22-42A-4, the court shall revoke the driver license or driving privilege of the driver so convicted for a period of one year or until the person's seventeenth birthday, whichever is a longer period of time. For any offense under this section, the court may issue an order, upon proof of financial responsibility pursuant to § 32-35-43.1, permitting the person to operate a vehicle for purposes of the person's employment, attendance at school, or counseling programs. Notwithstanding the provisions of chapters 26-7A, 26-8A, 26-8B, and 26-8C, the Unified Judicial System shall notify the Department of Public Safety of any conviction or adjudication of delinquency for a violation, while in a vehicle, of §§ 22-42-5 to 22-42-9, inclusive, 22-42A-3, or 22-42A-4. The period of revocation shall begin on the date ordered by the court or on the date specified in the notice from the department, whichever date is earlier. At the expiration of the revocation period, a person may make application to reinstate the person's license as provided by law and shall pay the license fee prescribed in § 32-12-47.1.

Section 4. That § 32-12-52.4 be amended to read:

32-12-52.4. Upon a first conviction or a first adjudication as a child in need of supervision for a violation of § 35-9-2 while in a vehicle, the court shall suspend the driver license or driving privilege of the driver, if the driver was under the age of twenty-one when the offense occurred, for a period of thirty days.

Upon a second conviction or a second adjudication as a child in need of supervision for a violation of § 35-9-2 while in a vehicle, the court shall suspend the driver license or driving privilege of the driver, if the driver was under the age of twenty-one when the offense occurred, for a period of one hundred eighty days.

Upon a third or subsequent conviction or a third or subsequent adjudication as a child in need of supervision for a violation of § 35-9-2 while in a vehicle, the court shall suspend the driver license or driving privilege of the driver, if the driver was under the age of twenty-one when the offense

occurred, for a period of one year. For any offense under this section, the court may issue an order, upon proof of financial responsibility pursuant to § 32-35-43.1, permitting the person to operate a vehicle for purposes of the person's employment, attendance at school, or attendance at counseling programs.

Notwithstanding the provisions of chapters 26-7A, 26-8A, 26-8B, and 26-8C, the Unified Judicial System shall notify the Department of Public Safety of any conviction or adjudication for a violation, while in a vehicle, of § 35-9-2 or chapter 32-23. The period of suspension shall begin on the date ordered by the court or on the date specified in the notice from the department, whichever date is earlier. At the expiration of the period of suspension, a person may make application to have the license reinstated and pay the license fee as prescribed in § 32-12-47.1.

Section 5. That § 32-12A-55 be amended to read:

32-12A-55. No person whose commercial learner's permit, commercial license, or privilege to drive a motor vehicle on public highways has been revoked, suspended, or disqualified may have the license or privilege renewed or restored unless the period of revocation, suspension, or disqualification has expired. The period of revocation, suspension, or disqualification shall begin on the date ordered by the court, on the date specified in the notice from the department, or on the date the suspension order is effective for failure to comply with a citation, whichever date is earlier. At the expiration of the period of revocation, suspension, or disqualification, a person may make application for license reinstatement as provided by law and shall pay a reinstatement fee, plus any application fees imposed by § 32-12A-15. A person making application following a revocation shall fulfill all knowledge examination requirements of a new applicant. A person making application for a commercial learner's permit or commercial driver license following a disqualification shall fulfill all examination requirements of a new applicant.

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I certify that the attached Act
originated in the

SENATE as Bill No. 40

Secretary of the Senate

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President of the Senate

Attest:

Secretary of the Senate

Speaker of the House

Attest:

Chief Clerk

Senate Bill No. 40

File No. _____

Chapter No. _____

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Received at this Executive Office
this _____ day of _____ ,

20____ at _____ M.

By _____
for the Governor

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The attached Act is hereby
approved this _____ day of
_____, A.D., 20____

Governor

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STATE OF SOUTH DAKOTA,
ss.

Office of the Secretary of State

Filed _____, 20____
at _____ o'clock __ M.

Secretary of State

By _____
Asst. Secretary of State