

State of South Dakota

NINETY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 2019

913B0088

HOUSE BILL NO. 1049

Introduced by: Representatives Johns, Deutsch, Duvall, Finck, Glanzer, Goodwin, McCleerey, Peterson (Kent), Reed, Rounds, and Willadsen and Senators Ewing, Bolin, Cronin, Kennedy, Langer, Russell, Schoenbeck, Steinhauer, and White

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding driving after
2 consuming certain drugs or substances.

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

4 Section 1. That § 32-23-21 be amended to read:

5 32-23-21. It is a Class 2 misdemeanor for any person under the age of twenty-one years to
6 drive, operate, or be in actual physical control of any vehicle:

7 (1) If there is physical evidence of 0.02 percent or more by weight of alcohol in the
8 person's blood as shown by a chemical analysis of the person's breath, blood, or other
9 bodily substance; ~~or~~

10 (2) After having consumed marijuana or any controlled drug or substance, other than a
11 controlled drug or substance lawfully prescribed for the person, for as long as
12 physical evidence of the consumption remains present in the person's body; or

13 (3) After having consumed a controlled drug or substance lawfully prescribed for the
14 person and if the person is under the influence of the drug or substance to a degree



1 that renders the person incapable of safely operating the motor vehicle.

2 If a person is found guilty of or adjudicated for a violation of this section, the Unified
3 Judicial System shall notify the Department of Public Safety. Upon conviction or adjudication,
4 the court shall suspend that person's driver's license or operating privilege for a period of thirty
5 days for a first offense, one hundred eighty days for a second offense, ~~or~~ and one year for any
6 third or subsequent offense. ~~However, the~~ The court may, upon proof of financial responsibility
7 ~~pursuant to § 32-35-43.1~~ under § 32-35-43.1, issue an order permitting the person to operate a
8 vehicle for purposes of the person's employment, attendance at school, or attendance at any
9 counseling ~~programs~~ program.