

# State of South Dakota

SEVENTY-SEVENTH SESSION  
LEGISLATIVE ASSEMBLY, 2002

527H0392

HOUSE TRANSPORTATION COMMITTEE

ENGROSSED NO. **SB 86** - 02/11/2002

Introduced by: Senators Volesky and Munson and Representatives Flowers, Burg, and Valandra

1 FOR AN ACT ENTITLED, An Act to provide for the use of an ignition interlock device in a  
2 motor vehicle used by any person guilty of a second or subsequent violation of driving under  
3 the influence.

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

5 Section 1. That chapter 32-23 be amended by adding thereto a NEW SECTION to read as  
6 follows:

7 For the purposes of this Act, the term, ignition interlock device, means breath alcohol  
8 ignition equipment designed to prevent a motor vehicle's ignition from being started by a person  
9 whose alcohol concentration exceeds a level prescribed by a court.

10 Section 2. That § 32-23-3 be amended to read as follows:

11 32-23-3. If conviction for a violation of § 32-23-1 is for a second offense, such person is  
12 guilty of a Class 1 misdemeanor, and the court shall, in pronouncing sentence, unconditionally  
13 revoke the defendant's driving privilege for a period of not less than one year. However, upon  
14 the successful completion of a court-approved alcohol treatment program, the court may permit



1 the person to drive for the purpose of employment and may restrict the privilege by the  
2 imposition of such conditions as the court sees fit. ~~If such person is convicted of driving without~~  
3 ~~a license during that period, the person shall be sentenced to the county jail for not less than three~~  
4 ~~days, which sentence may not be suspended.~~ If the court permits the person to drive, the court  
5 may order the person to install and to use an ignition interlock device on any motor vehicle to  
6 be operated by the person during the period of revocation if the court determines that an  
7 installation and service center for the device is located within the court's definition of a  
8 reasonable distance. The court shall require the person to pay the reasonable cost of leasing,  
9 installing, and maintaining the device. The ignition interlock device shall be a device approved  
10 pursuant to section 3 of this Act.

11 Section 3. That chapter 32-23 be amended by adding thereto a NEW SECTION to read as  
12 follows:

13 The Department of Commerce and Regulation shall approve any ignition interlock device to  
14 be used pursuant to this Act. The Secretary of the Department of Commerce and Regulation  
15 shall promulgate rules, pursuant to chapter 1-26, to establish performance standards for ignition  
16 interlock devices. The rules shall include standards relating to accuracy of the device, the means  
17 of installing the device, and the degree of difficulty rendering the device inoperative.