

2025 South Dakota Legislature

Senate Bill 116**AMENDMENT 116B
FOR THE INTRODUCED BILL**

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; ~~or~~

25 ~~(c) Test the physical stamina or endurance of a driver over a long distance~~
26 ~~driving route;~~

- 1 (6) "Street takeover," the taking over of a portion of ~~the a public~~ highway, roadway,
2 or 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, ~~test of physical endurance~~, or exhibition of
13 speed or acceleration, or to 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, ~~test of physical endurance~~, or exhibition of speed or
25 acceleration, or to make a speed record, if the conduct is organized or occurs as a
26 result of a competitive response to conduct on the part of one or more drivers that,
27 under the totality of the circumstances, can reasonably be interpreted as a
28 challenge to a race; or
- 29 (2) Participate in any manner in any race, competition, contest, or exhibition prohibited
30 by subdivision (1).

31 Upon conviction under this section, the court must revoke the defendant's driver
32 license for a period of eighteen months. The court may issue an order, upon proof of
33 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) A test of physical endurance;~~

13 ~~(7)(6) An exhibition of speed or acceleration;~~

14 ~~(8)(7) An exhibition of stunt driving; or~~

15 ~~(9)(8) A street takeover.~~

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

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

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

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

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

27 The lien imposed under sections 5 and 6 of this Act does not apply to a vehicle
28 that, at the time of the violation, is leased, loaned, or being used without the owner's
29 permission. The lien is subordinate to a perfected security interest or lien registered on
30 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 ~~driver~~
3 ~~person~~ or motor vehicle from participating in, or any person from coordinating, facilitating,
4 ~~or 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 ~~driver person~~ or ~~motor~~ vehicle from compliance with a traffic
11 law 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;

15 (2) The approved race, competition, contest, or exhibit is, occurring on a ~~public~~
16 highway, roadway, or parking lot under the jurisdiction of the Transportation
17 Commission or local authorities; and

18 (3)(2) Traffic control is adequate to assure the safety of all ~~public~~ highway, roadway, or
19 parking lot users and spectators.

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

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

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

30 ~~No person may drive any vehicle on a highway in any race, speed competition or~~
31 ~~contest, acceleration race or contest, test of physical endurance, exhibition of speed or~~

1 ~~acceleration, or for the purpose of making a speed record, and no person may in any~~
2 ~~manner participate in any such race, competition, contest, test, or exhibition. A violation~~
3 ~~of this section is a Class 2 misdemeanor.~~

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

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