

State of South Dakota

NINETY-FIRST SESSION
LEGISLATIVE ASSEMBLY, 2016

765X0161

HOUSE BILL NO. 1085

Introduced by: Representatives Haggar (Don), Bolin, DiSanto, Hawley, Latterell, May, Novstrup (Al), Rasmussen, Tulson, and Wiik and Senators Haggar (Jenna), Holien, Olson, Omdahl, and Solano

1 FOR AN ACT ENTITLED, An Act to provide for the forfeiture of any vehicle used by a person
2 convicted of a third offense for driving under the influence.

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

4 Section 1. That chapter 32-23 be amended by adding a NEW SECTION to read:

5 Any person who is convicted of a third offense violation of § 32-23-1 may forfeit to the state
6 the person's interest in the vehicle used in the commission of the violation. The state shall
7 process the forfeiture pursuant to the proceedings of § 34-20B-71 to § 34-20B-80, inclusive, and
8 § 34-20B-85 to § 34-20B-88, inclusive. No vehicle may be forfeited pursuant to this section if
9 a co-owner of the vehicle is an innocent party and the forfeiture would create undue hardship
10 on the co-owner.

