

# State of South Dakota

EIGHTY-FIFTH SESSION  
LEGISLATIVE ASSEMBLY, 2010

255R0520

## HOUSE BILL NO. 1125

Introduced by: Representatives Lucas, Deadrick, Fargen, Iron Cloud III, Juhnke, Killer, Kirschman, Moser, Olson (Betty), Sly, Steele, Turbiville, Van Gerpen, and Wismer and Senators Bradford, Bartling, Gant, Garnos, Hanson (Gary), Kloucek, and Maher

1 FOR AN ACT ENTITLED, An Act to revise certain documentation requirements related to  
2 driver licensing.

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

4 Section 1. That § 32-12-3.1 be amended to read as follows:

5 32-12-3.1. Any applicant as provided for in this chapter shall, on making application for an  
6 operator's license, motorcycle operator's license, restricted minor's permit, motorcycle restricted  
7 minor's permit, instruction permit, motorcycle instruction permit, or nondriver identification  
8 card, present to the examiner one of the following documents in order to establish identity and  
9 date of birth:

- 10 (1) A certified copy of a United States birth certificate filed with the state office of vital  
11 records or equivalent agency;
- 12 (2) A consular report of birth abroad (United States Department of State form FS-240,  
13 DS-1350, or FS-545);
- 14 (3) A valid, unexpired permanent resident card (form I-551 issued by the United States



- 1 Department of Homeland Security or Immigration and Naturalization Services);
- 2 (4) An unexpired employment authorization document issued by the United States
- 3 Department of Homeland Security (form I-766 or I-688B);
- 4 (5) An unexpired foreign passport with a valid, unexpired United States visa affixed
- 5 accompanied by the approved I-94 form documenting the applicant's most recent
- 6 entrance into the United States;
- 7 (6) A certificate of naturalization issued by the United States Department of Homeland
- 8 Security (form N-550 or N-570);
- 9 (7) A certificate of citizenship form N-560 or N-561 issued by the United States
- 10 Department of Homeland Security;
- 11 (8) A valid driver license issued by this state or another state that meets the requirements
- 12 of 6 C.F.R. Part 37 as amended through January 1, 2009, and is acceptable by federal
- 13 agencies for official purposes;
- 14 (9) Any other document designated by the Department of Homeland Security by
- 15 publication in the Federal Register that establishes identity and date of birth; or
- 16 (10) A valid, unexpired United States passport.

17 For all documentation offered by the applicant to provide evidence of identity, date of birth,

18 social security number or nonwork authorized status, ~~address of principal residence~~, and lawful

19 status, the department shall make a copy of the documentation and shall retain the copy for ten

20 years. All documents retained under this section are confidential. The examiner may, as part of

21 a documented exceptions process, accept other evidence of identity and date of birth of any

22 applicant and lawful status of any United States citizen only if the examiner is satisfied that the

23 applicant cannot, for good reason beyond the applicant's control, produce such primary

24 documents. The examiner shall record the acceptance of any alternative document under the

1 exceptions process. The Department of Public Safety may not require new evidence of birth at  
2 the time an application is made by a person holding an operator's license, motorcycle operator's  
3 license, restricted minor's permit, motorcycle restricted minor's permit, instruction permit,  
4 motorcycle instruction permit, or nondriver identification card, if that person's driver license or  
5 nondriver identification card meets the requirements of 6 C.F.R. Part 37 as amended through  
6 January 1, 2009, is acceptable by federal agencies for official purposes, and is turned in to the  
7 department with the application. Any person who obtains a driver license or nondriver  
8 identification card pursuant to this section fraudulently or by use of a fraudulently obtained  
9 document is guilty of a Class 1 misdemeanor.

10 Section 2. That § 32-12-3.5 be repealed.

11 ~~32-12-3.5. Any applicant under the provisions of this chapter shall, on making application~~  
12 ~~for an operator's license, motorcycle operator's license, restricted minor's permit, motorcycle~~  
13 ~~restricted minor's permit, instruction permit, motorcycle instruction permit, or nondriver~~  
14 ~~identification card, present to the examiner at least two documents containing the applicant's~~  
15 ~~name and address of principal residence in order to establish the applicant's address of principal~~  
16 ~~residence.~~

17 Section 3. That § 32-12A-14.1 be repealed.

18 ~~32-12A-14.1. Any applicant under the provisions of this chapter shall, on making~~  
19 ~~application for a commercial driver license, present to the examiner at least two documents~~  
20 ~~containing the applicant's name and address of principal residence as defined in § 32-12-1 in~~  
21 ~~order to establish the applicant's address of principal residence.~~