

# State of South Dakota

EIGHTY-FIFTH SESSION  
LEGISLATIVE ASSEMBLY, 2010

139R0314

## HOUSE BILL NO. 1182

Introduced by: Representatives Jensen, Bolin, Brunner, Cronin, Curd, Hoffman, Kirkeby, Kopp, Lederman, Moser, Russell, Schlekeway, Steele, and Verchio and Senators Maher, Abdallah, Gray, Haverly, Kloucek, Rhoden, and Schmidt

1 FOR AN ACT ENTITLED, An Act to prohibit certain employment practices.

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

3 Section 1. No occupant of a motor vehicle that is stopped on any highway may attempt to  
4 hire or hire and pick up passengers for work at a different location if the motor vehicle blocks  
5 or impedes the normal movement of traffic. A violation of this section is a Class 1  
6 misdemeanor.

7 Section 2. No person may enter a motor vehicle that is stopped on any highway in order to  
8 be hired by an occupant of the motor vehicle and be transported to work at a different location  
9 if the motor vehicle blocks or impedes the normal movement of traffic. A violation of this  
10 section is a Class 1 misdemeanor.

11 Section 3. No person who is unlawfully present in the United States and who is an  
12 unauthorized alien may knowingly apply for work, solicit work in a public place, or perform  
13 work as an employee or independent contractor in this state. A violation of this section is a Class  
14 1 misdemeanor.



1 For the purposes of this section, the term, solicit, means verbal or nonverbal communication  
2 by a gesture or a nod that would indicate to a reasonable person that a person is willing to be  
3 employed.

4 Section 4. No person may transport or move or attempt to transport or move an unauthorized  
5 alien in this state in a means of transportation if the person knows or recklessly disregards the  
6 fact that the unauthorized alien has come to, has entered, or remains in the United States in  
7 violation of law. A violation of this section is a Class 1 misdemeanor. However, any violation  
8 of this section that involves ten or more unauthorized aliens is a Class 6 felony.

9 Section 5. No person may conceal, harbor, or shield or attempt to conceal, harbor, or shield  
10 an unauthorized alien from detection in any place in this state, including any building or any  
11 means of transportation, if the person knows or recklessly disregards the fact that the  
12 unauthorized alien has come to, has entered, or remains in the United States in violation of law.  
13 A violation of this section is a Class 1 misdemeanor. However, any violation of this section that  
14 involves ten or more unauthorized aliens is a Class 6 felony.

15 Section 6. No person may encourage or induce an unauthorized alien to come to or reside  
16 in this state if the person knows or recklessly disregards the fact that such coming to, entering,  
17 or residing in this state is or will be in violation of law. A violation of this section is a Class 1  
18 misdemeanor. However, any violation of this section that involves ten or more unauthorized  
19 aliens is a Class 6 felony.

20 Section 7. For the purposes of this Act, the term, unauthorized alien, means an alien who  
21 does not have the legal right or authorization under federal law to work in the United States as  
22 described in 8 U.S.C. § 1324a(h)(3).