

State of South Dakota

EIGHTY-EIGHTH SESSION
LEGISLATIVE ASSEMBLY, 2013

843U0036

HOUSE ENGROSSED NO. **SB 106** - 03/04/2013

Introduced by: The Committee on Transportation at the request of the Task Force on Teen Driving Safety

1 FOR AN ACT ENTITLED, An Act to prohibit certain minors from using wireless
2 communication devices while operating motor vehicles upon the public highways.

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

4 Section 1. That § 32-14-1 be amended by adding thereto a NEW SUBDIVISION to read as
5 follows:

6 "Wireless communication device," any wireless electronic communication device that
7 provides for voice or data communication between two or more parties, including a mobile or
8 cellular telephone, a text messaging device, a personal digital assistant that sends or receives
9 messages, an audio-video player that sends or receives messages, or a laptop computer. A
10 wireless communication device does not include a global positioning or navigation system
11 (GPS) used to receive driving directions.

12 Section 2. That § 32-12-11 be amended to read as follows:

13 32-12-11. Any person who is at least fourteen years of age but less than eighteen years of
14 age applying for a South Dakota operator's license, restricted minor's permit, or instruction
15 permit who does not currently hold an operator's license, motorcycle operator's license,



1 restricted minor's permit, motorcycle restricted minor's permit, instruction permit, or motorcycle
2 instruction permit that has been valid continuously for one hundred eighty days, shall apply to
3 the Department of Public Safety for an instruction permit which shall be held for a minimum
4 of one hundred eighty continuous days. If an applicant holds an instruction permit that has been
5 expired for thirty days or less, the department shall waive the knowledge test for the renewal of
6 the instruction permit or to upgrade to an operator's license, motorcycle operator's license,
7 restricted minor's permit or motorcycle restricted minor's permit. If the licensee applies and
8 makes payment of the required fee thirty-one or more days after the expiration date of the
9 license, the licensee shall take the knowledge test as required by § 32-12-4 and shall be issued
10 an instruction permit upon passage of the test. The department may, after the applicant has
11 successfully passed all parts of the examination other than the driving test and paid a fee which
12 is equal in amount to the fee prescribed for a license in § 32-12-16, issue to the applicant an
13 instruction permit. The instruction permit entitles the applicant, while having the permit in the
14 applicant's immediate possession, to drive a motor vehicle upon the public highways for a
15 period of one year during the hours of 6 a.m. to 10 p.m. if accompanied by a person holding a
16 valid operator's license who is at least eighteen years of age, has had at least one year of driving
17 experience, and who is occupying a seat beside the applicant. The applicant is entitled to drive
18 a motor vehicle upon the public highways during the hours of 10 p.m. to 6 a.m. if the motor
19 vehicle is being operated under the direction of the applicant's parent or guardian who is
20 occupying a seat beside the applicant. No holder of an instruction permit may use any type of
21 wireless communication device while operating a motor vehicle upon the public highways. The
22 holder of an instruction permit may apply for a restricted minor's permit or operator's license
23 after holding a valid instruction permit for one hundred eighty continuous days.

24 Section 3. That § 32-12-12 be amended to read as follows:

1 32-12-12. A restricted minor's permit may be issued, upon application and payment of the
2 proper fees as provided in § 32-12-16, to a minor at least fourteen years of age but less than
3 eighteen years of age who has successfully passed all applicable tests and completed the
4 requirements of an instruction permit as provided in § 32-12-11 or 32-12-11.1 and has not been
5 convicted of a traffic violation during the past six months. For any such minor who has
6 successfully completed a driver education course that has been approved by the Department of
7 Education or a driver education course that the secretary of the department of public safety has
8 determined has been approved by a state government agency in another state, the required
9 minimum time period for holding the instruction permit in order to qualify for the restricted
10 minor's permit is ninety continuous days. A restricted minor's permit entitles the holder, while
11 having the permit in immediate physical possession, to operate a motor vehicle during the hours
12 of 6 a.m. to 10 p.m. standard time if the motor vehicle is being operated with the permission of
13 the holder's parent or guardian and during the hours of 10 p.m. to 6 a.m. if the motor vehicle is
14 being operated under the direction of the holder's parent or guardian who is occupying a seat
15 beside the holder. The restrictions as to time of operation and operation under the direction of
16 a parent or guardian do not apply to the holder of a valid restricted minor's permit operating a
17 self-propelled agricultural machine which is not subject to registration under chapter 32-5. No
18 holder of a restricted minor's permit may use any type of wireless communication device while
19 operating a motor vehicle upon the public highways.

20 Section 4. That chapter 32-12 be amended by adding thereto a NEW SECTION to read as
21 follows:

22 Any enforcement of the prohibition of the use of a wireless communication device pursuant
23 to the provisions of this Act by a law enforcement officer shall be accomplished as a secondary
24 action.