

State of South Dakota

EIGHTY-EIGHTH SESSION
LEGISLATIVE ASSEMBLY, 2013

906U0035

SENATE BILL NO. 107

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 limit the number of passengers allowed in a motor
2 vehicle operated by a holder of a restricted minor's permit.

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

4 Section 1. That chapter 32-12 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 No holder of a restricted minor's permit may operate a motor vehicle carrying more than one
7 passenger under the age of eighteen years who is not:

8 (1) A member of the permit holder's immediate family; or

9 (2) A person whose primary residence is the same household as the permit holder's.

10 The provisions of this section do not apply if the permit holder is operating the motor vehicle
11 to attend school or a school event. The provisions of this section do not apply if the permit
12 holder is accompanied by a parent or guardian or any passenger whose primary residence is the
13 same household as the permit holder and such passenger is at least 21 years of age.

14 Section 2. That § 32-12-15 be amended to read as follows:

15 32-12-15. The issuance of an instruction permit, motorcycle instruction permit, restricted



1 minor's permit, or motorcycle restricted minor's permit is on a probationary basis. The
2 Department of Public Safety upon the receipt of a record of conviction for a traffic violation or
3 for a violation of the restrictions in §§ 32-12-11, 32-12-11.1, 32-12-12, 32-12-12.1, 32-12-13,
4 ~~or 32-12-14~~, or section 1 of this Act, committed prior to the minor's sixteenth birthday shall
5 suspend the minor's driving privileges according to the following schedule:

6 (1) A felony or Class 1 misdemeanor traffic conviction--suspension until the minor's
7 sixteenth birthday or as otherwise required by law;

8 (2) A first Class 2 misdemeanor traffic conviction or a comparable conviction of any
9 moving traffic violation of a county or municipal ordinance--suspension for thirty
10 days or as otherwise required by law;

11 (3) A first conviction of a violation of the conditions of an instruction permit, a
12 motorcycle instruction permit, a restricted minor's permit, or a motorcycle restricted
13 minor's permit--suspension for thirty days or as otherwise required by law;

14 (4) A second Class 2 misdemeanor traffic conviction or a comparable conviction of any
15 moving traffic violation of a county or municipal ordinance--suspension until the
16 minor's sixteenth birthday or for ninety days, whichever period is longer, or as
17 otherwise required by law; and

18 (5) A second conviction of a violation of the conditions of an instruction permit, a
19 motorcycle instruction permit, a restricted minor's permit, or a motorcycle restricted
20 minor's permit--suspension until the minor's sixteenth birthday or for ninety days,
21 whichever period is longer, or as otherwise required by law.

22 No permit may be suspended for a first violation of §§ 32-14-9.1, 32-21-27, 32-25-5, 32-26-
23 20, or 34A-7-7.

24 If a minor has no instruction permit, motorcycle instruction permit, restricted minor's permit,

1 or motorcycle restricted minor's permit and is convicted of any traffic violation prior to the
2 minor's sixteenth birthday, the department shall suspend or revoke the minor's driving privilege
3 or privilege to apply for a driver license as provided in this section. A conviction for any traffic
4 violation that occurs prior to the issuance of an instruction permit, motorcycle instruction
5 permit, restricted minor's permit, motorcycle restricted minor's permit, motorcycle operator's
6 license or an operator's license shall be placed on the driving record and given the same
7 consideration as any violation that occurs following the issuance of an instruction permit,
8 motorcycle instruction permit, restricted minor's permit, motorcycle restricted minor's permit,
9 motorcycle operator's license, or an operator's license.