



2023 South Dakota Legislature

Senate Bill 61

Introduced by: **Senator Wiik**

1 **An Act to revise driver's license suspensions for restricted permit holders over the**
 2 **age of sixteen.**

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

4 **Section 1. That § 32-12-15 be AMENDED:**

5 **32-12-15.** The issuance of an instruction permit, motorcycle instruction permit,
 6 restricted minor's permit, or motorcycle restricted minor's permit is on a probationary
 7 basis. The Department of Public Safety, upon the receipt of a record of conviction for a
 8 traffic violation or for a violation of the restrictions in ~~§~~ § 32-12-11, 32-12-11.1, 32-12-
 9 12, 32-12-12.1, 32-12-13, 32-12-14, or 32-12-12.5, committed while operating under an
 10 instruction permit, motorcycle instruction permit, restricted minor's permit, or motorcycle
 11 restricted minor's permit prior to the minor's ~~eighteenth~~ sixteenth birthday, shall suspend
 12 the minor's driving privileges according to the following schedule:

- 13 (1) ~~A~~ For a felony or Class 1 misdemeanor traffic conviction, suspension for one
 14 hundred eighty days or until the minor's ~~eighteenth~~ sixteenth birthday, whichever
 15 period is ~~shorter~~ longer, or as otherwise required by law;
- 16 (2) ~~A~~ For a first Class 2 misdemeanor traffic conviction or a comparable conviction of
 17 any moving traffic violation of a county or municipal ordinance, suspension for
 18 thirty days or as otherwise required by law;
- 19 (3) ~~A~~ For a first conviction of a violation of the conditions of an instruction permit, a
 20 motorcycle instruction permit, a restricted minor's permit, or a motorcycle
 21 restricted minor's permit, suspension for thirty days or as otherwise required by
 22 law;
- 23 (4) ~~A~~ For a second Class 2 misdemeanor traffic conviction or a comparable conviction
 24 of any moving traffic violation of a county or municipal ordinance, suspension
 25 until the minor's ~~eighteenth~~ sixteenth birthday or for one hundred eighty days,
 26 whichever period is ~~shorter~~ longer, or as otherwise required by law; and

1 (5) A ~~For a~~ second conviction of a violation of the conditions of an instruction permit,
 2 a motorcycle instruction permit, a restricted minor's permit, or a motorcycle
 3 restricted minor's permit, ~~suspension~~ suspension until the minor's ~~eighteenth~~ sixteenth
 4 birthday or for one hundred eighty days, whichever period is ~~shorter~~ longer, or as
 5 otherwise required by law.

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

8 If a minor has no instruction permit, motorcycle instruction permit, restricted
 9 minor's permit, or motorcycle restricted minor's permit, and is convicted of any traffic
 10 violation prior to the minor's eighteenth birthday, the department shall suspend or revoke
 11 the minor's driving privilege or privilege to apply for a driver license as provided in this
 12 section. A conviction for any traffic violation that occurs prior to the issuance of an
 13 instruction permit, motorcycle instruction permit, restricted minor's permit, motorcycle
 14 restricted minor's permit, motorcycle operator's license, or an operator's license ~~shall~~ must
 15 be placed on the driving record and given the same consideration as any violation that
 16 occurs following the issuance of an instruction permit, motorcycle instruction permit,
 17 restricted minor's permit, motorcycle restricted minor's permit, motorcycle operator's
 18 license, or an operator's license.