

State of South Dakota

EIGHTY-SEVENTH SESSION LEGISLATIVE ASSEMBLY, 2012

609T0858

SENATE BILL NO. _____

Introduced by: _____

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding instruction permits
2 and restricted minor's permits to drive a motor vehicle.

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

4 Section 1. That § 32-12-11 be amended to read as follows:

5 32-12-11. Any person who is at least fourteen years of age but less than eighteen years of
6 age applying for a South Dakota operator's license, restricted minor's permit, or instruction
7 permit who does not currently hold an operator's license, motorcycle operator's license,
8 restricted minor's permit, motorcycle restricted minor's permit, instruction permit, or motorcycle
9 instruction permit that has been valid continuously for ~~one~~ three hundred ~~eighty~~ sixty-five days,
10 shall apply to the Department of Public Safety for an instruction permit which shall be held for
11 a minimum of ~~one~~ three hundred ~~eighty~~ sixty-five continuous days. If an applicant holds an
12 instruction permit that has been expired for thirty days or less, the department shall waive the
13 knowledge test for the renewal of the instruction permit or to upgrade to an operator's license,
14 motorcycle operator's license, restricted minor's permit or motorcycle restricted minor's permit.
15 If the licensee applies and makes payment of the required fee thirty-one or more days after the
16 expiration date of the license, the licensee shall take the knowledge test as required by § 32-12-4



1 and shall be issued an instruction permit upon passage of the test. The department may, after the
2 applicant has successfully passed all parts of the examination other than the driving test and paid
3 a fee which is equal in amount to the fee prescribed for a license in § 32-12-16, issue to the
4 applicant an instruction permit. The instruction permit entitles the applicant, while having the
5 permit in the applicant's immediate possession, to drive a motor vehicle upon the public
6 highways for a period of one year during the hours of 6 a.m. to 10 p.m. if accompanied by a
7 person holding a valid operator's license who is at least eighteen years of age, has had at least
8 one year of driving experience, and who is occupying a seat beside the applicant. The applicant
9 is entitled to drive a motor vehicle upon the public highways during the hours of 10 p.m. to 6
10 a.m. if the motor vehicle is being operated under the direction of the applicant's parent or
11 guardian who is occupying a seat beside the applicant. The holder of an instruction permit may
12 apply for a restricted minor's permit or operator's license after holding a valid instruction permit
13 for ~~one~~ three hundred eighty sixty-five continuous days.

14 Section 2. That § 32-12-11.1 be amended to read as follows:

15 32-12-11.1. Any person who is at least fourteen years of age but less than eighteen years of
16 age applying for a South Dakota motorcycle operator's license, motorcycle restricted minor's
17 permit, or motorcycle instruction permit who does not currently hold an operator's license,
18 motorcycle operator's license, restricted minor's permit, motorcycle restricted minor's permit,
19 instruction permit, or motorcycle instruction permit that has been valid continuously for ~~one~~
20 three hundred eighty sixty-five days, shall apply to the Department of Public Safety for an
21 instruction permit which shall be held for a minimum of ~~one~~ three hundred eighty sixty-five
22 continuous days. The department may, after the applicant has successfully passed all parts of
23 the examination other than the driving test and paid a fee which is equal in amount to the fee
24 prescribed for a license in § 32-12-16, issue to the applicant a motorcycle instruction permit.

1 A motorcycle instruction permit is not required to obtain a motorcycle operator's license or
2 a motorcycle restricted minor's permit if the applicant currently holds an instruction permit,
3 restricted minor's permit, or operator's license that has been valid continuously for ~~one~~ three
4 hundred ~~eighty~~ sixty-five days.

5 A motorcycle instruction permit entitles the holder, while having the permit in the permit
6 holder's immediate physical possession, to operate a motorcycle during the hours of 6 a.m. to
7 8 p.m. if the permit holder is accompanied by a licensed motorcycle operator who is at least
8 eighteen years of age, who has at least one year of driving experience, and who is driving
9 another motorcycle along with the permit holder. No motorcycle instruction permit holder may
10 carry another person on the motorcycle. The permit is valid for one year. The holder of an
11 instruction permit or motorcycle instruction permit may apply for a motorcycle restricted
12 minor's permit or motorcycle operator's license after holding a valid instruction permit for ~~one~~
13 three hundred eighty sixty-five continuous days.

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

15 32-12-12. A restricted minor's permit may be issued, upon application and payment of the
16 proper fees as provided in § 32-12-16, to a minor at least ~~fourteen~~ fifteen years of age but less
17 than eighteen years of age who has successfully passed all applicable tests and completed the
18 requirements of an instruction permit as provided in § 32-12-11 or 32-12-11.1 and has not been
19 convicted of a traffic violation during the past ~~six~~ nine months. For any such minor who has
20 successfully completed a driver education course that has been approved by the Department of
21 Education or a driver education course that the secretary of the department of public safety has
22 determined has been approved by a state government agency in another state, the required
23 minimum time period for holding the instruction permit in order to qualify for the restricted
24 minor's permit is ~~ninety~~ two hundred seventy continuous days. A restricted minor's permit

1 entitles the holder, while having the permit in immediate physical possession, to operate a motor
2 vehicle during the hours of 6 a.m. to 10 p.m. standard time if the motor vehicle is being operated
3 with the permission of the holder's parent or guardian and during the hours of 10 p.m. to 6 a.m.
4 if the motor vehicle is being operated under the direction of the holder's parent or guardian who
5 is occupying a seat beside the holder. The restrictions as to time of operation and operation
6 under the direction of a parent or guardian do not apply to the holder of a valid restricted minor's
7 permit operating a self-propelled agricultural machine which is not subject to registration under
8 chapter 32-5.

9 Section 4. That § 32-12-12.1 be amended to read as follows:

10 32-12-12.1. A motorcycle restricted minor's permit may be issued, upon application and
11 payment of the proper fee as provided for in § 32-12-16, to a minor at least ~~fourteen~~ fifteen years
12 of age but less than eighteen years of age who has successfully passed all applicable tests and
13 completed the requirements of an instruction permit as outlined in § 32-12-11 or 32-12-11.1 and
14 has not been convicted of a traffic violation during the past ~~six~~ nine months. For any minor who
15 has successfully completed the motorcycle safety education courses provided by § 32-20-14 and
16 a driver education class that has been approved by the Department of Education or a driver
17 education course that the secretary of the department of public safety has determined has been
18 approved by a state government agency in another state, the required minimum time period for
19 holding the motorcycle instruction permit to qualify for the motorcycle restricted minor's permit
20 is ~~thirty~~ two hundred seventy continuous days. A motorcycle restricted minor's permit entitles
21 the holder, while having the permit in immediate physical possession, to operate a motorcycle
22 during the hours of 6 a.m. to 8 p.m. standard time if the motorcycle is being operated with the
23 permission of the holder's parents or guardian.