

State of South Dakota

EIGHTY-SEVENTH SESSION LEGISLATIVE ASSEMBLY, 2012

564T0859

SENATE BILL NO. _____

Introduced by: _____

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 a member of the permit holder's immediate
8 family or a person whose primary residence is the same household as the permit holder's. This
9 section does not apply if the permit holder is accompanied by a parent or guardian or any
10 passenger whose primary residence is the same household as the permit holder.

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

12 32-12-15. The issuance of an instruction permit, motorcycle instruction permit, restricted
13 minor's permit, or motorcycle restricted minor's permit is on a probationary basis. The
14 Department of Public Safety upon the receipt of a record of conviction for a traffic violation or
15 for a violation of the restrictions in §§ 32-12-11, 32-12-11.1, 32-12-12, 32-12-12.1, 32-12-13,
16 or 32-12-14 or section 1 of this Act, committed prior to the minor's sixteenth birthday shall



1 suspend the minor's driving privileges according to the following schedule:

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

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

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

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

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

18 No permit may be suspended for a first violation of §§ 32-14-9.1, 32-21-27, 32-25-5, 32-26-
19 20, or 34A-7-7.

20 If a minor has no instruction permit, motorcycle instruction permit, restricted minor's permit,
21 or motorcycle restricted minor's permit and is convicted of any traffic violation prior to the
22 minor's sixteenth birthday, the department shall suspend or revoke the minor's driving privilege
23 or privilege to apply for a driver license as provided in this section. A conviction for any traffic
24 violation that occurs prior to the issuance of an instruction permit, motorcycle instruction

1 permit, restricted minor's permit, motorcycle restricted minor's permit, motorcycle operator's
2 license or an operator's license shall be placed on the driving record and given the same
3 consideration as any violation that occurs following the issuance of an instruction permit,
4 motorcycle instruction permit, restricted minor's permit, motorcycle restricted minor's permit,
5 motorcycle operator's license, or an operator's license.