

# State of South Dakota

NINETIETH SESSION  
LEGISLATIVE ASSEMBLY, 2015

436W0356

## SENATE BILL NO. 107

Introduced by: Senators Tieszen and Jensen (Phil) and Representatives Verchio, Craig, and Sly

1 FOR AN ACT ENTITLED, An Act to increase the period an instructor permit is valid and to  
2 revise the requirements to upgrade to an operator's licence or a restricted minor's permit.

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 hundred eighty days,~~ shall apply to  
10 the Department of Public Safety for an instruction permit ~~which shall be held for a minimum~~  
11 ~~of one hundred eighty continuous days.~~ If an applicant holds an instruction permit that has been  
12 valid continuously for one hundred eighty days, and is still currently valid or that has been  
13 expired for thirty days or less, the department shall waive the knowledge test ~~for the renewal of~~  
14 ~~the instruction permit~~ or to upgrade to an operator's license, motorcycle operator's license,  
15 restricted minor's permit, or motorcycle restricted minor's permit. If the licensee applies and



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