

State of South Dakota

SEVENTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 1998

400B0268

HOUSE BILL NO. 1040

Introduced by: The Committee on Transportation at the request of the Department of
Commerce and Regulation

1 FOR AN ACT ENTITLED, An Act to require a mandatory six-month instruction permit for
2 first-time drivers and to simplify the licensing exemption for any student enrolled in a driver
3 education class.

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

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

6 32-12-11. Any person who is at least fourteen and less than sixteen years of age ~~may~~
7 applying for a driver's license who does not currently hold a driver's license that has been valid
8 continuously for one hundred eighty days, shall apply to the Department of Commerce and
9 Regulation for an instruction permit which must be held for a minimum of one hundred eighty
10 consecutive days. The department may, after the applicant has successfully passed all parts of
11 the examination other than the driving test and paid a fee which is equal in amount to the fee
12 prescribed for a driver's license in § 32-12-16, issue to the applicant an instruction permit. The
13 instruction permit entitles the applicant while having the permit in ~~his~~ the applicant's immediate
14 possession to drive a motor vehicle upon the public highways for a period of one ~~hundred and~~
15 ~~eighty days~~ year if accompanied by a licensed operator who is at least eighteen years of age, has

1 had at least one year of driving experience, and who is occupying a seat beside the driver ~~unless~~
2 ~~the permittee is operating a motorcycle or a moped.~~ The holder of the instruction permit may
3 apply for a restricted permit after holding the instruction permit for one hundred eighty
4 consecutive days or an operator's license upon reaching the age of sixteen. A motorcycle
5 instruction permit entitles the permit holder, while having the permit in ~~his~~ the holder's immediate
6 physical possession, to operate a motorcycle during the hours of 6 a.m. to 8 p.m. if ~~he~~ the permit
7 holder is accompanied by a licensed motorcycle operator who is at least eighteen years of age,
8 who has at least one year of driving experience and who is driving another motorcycle along with
9 the permit holder. No motorcycle instruction permit holder may carry another person on the
10 motorcycle. The motorcycle instruction permit is valid for thirty days. The motorcycle instruction
11 permit may be issued only once in a one-year period.

12 Section 2. That § 32-12-28 be amended to read as follows:

13 32-12-28. ~~Upon receipt by the department of commerce and regulation of a list of students~~
14 ~~enrolled in~~ Any student enrolled in a driver education class which has been approved by the
15 South Dakota Division of Education Services and Resources ~~and which list is certified to by an~~
16 ~~approved driver education instructor on a form furnished by the department, the students on such~~
17 ~~list so certified~~ may drive a motor vehicle without a license under this chapter on a designated
18 highway or within a designated area ~~when~~ if such student is accompanied by an approved driver
19 education instructor who is occupying a seat beside such student driver.