

# State of South Dakota

SEVENTY-THIRD SESSION  
LEGISLATIVE ASSEMBLY, 1998

860B0765

HOUSE TRANSPORTATION COMMITTEE

ENGROSSED NO. **HB1309** - 1/29/98

**This bill has been extensively amended (hoghoused) and may no longer be consistent with the original intention of the sponsors.**

Introduced by: Representatives Jaspers, Crisp, Duenwald, McNenny, and Wetz and Senator Drake

1 FOR AN ACT ENTITLED, An Act to revise certain restrictions for operating a motor vehicle  
2 during farm operations by certain persons with an instructional or 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 may apply to the Department of  
6 Commerce and Regulation for an instruction permit. The department may, after the applicant has  
7 successfully passed all parts of the examination other than the driving test and paid a fee which  
8 is equal in amount to the fee prescribed for a driver's license in § 32-12-16, issue to the applicant  
9 an instruction permit. The instruction permit entitles the applicant while having the permit in his  
10 immediate possession to drive a motor vehicle upon the public highways for a period of one  
11 hundred and eighty days if accompanied by a licensed operator who is at least eighteen years of  
12 age, has had at least one year of driving experience, and who is occupying a seat beside the  
13 driver unless the permittee is operating a motorcycle or a moped. A motorcycle instruction  
14 permit entitles the holder, while having the permit in his immediate physical possession, to

1 operate a motorcycle during the hours of 6 a.m. to 8 p.m. if he is accompanied by a licensed  
2 motorcycle operator who is at least eighteen years of age, who has at least one year of driving  
3 experience and who is driving another motorcycle along with the permit holder. No motorcycle  
4 instruction permit holder may carry another person on the motorcycle. The permit is valid for  
5 thirty days. The permit may be issued only once in a one-year period.

6 Any instruction permit issued pursuant to this section may be used without the restrictions  
7 as to time of operation and operation under the direction of a parent or guardian for the  
8 operation of a licensed motor vehicle to or from the home farm buildings to or from any adjacent  
9 or nearby farmland for the exclusive purpose of conducting farm operations.

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

11 32-12-12. A restricted minor's permit may be issued, upon application and payment of the  
12 proper fee as provided for in § 32-12-16, and passage of all driver's license examination tests,  
13 to any minor between the ages of fourteen and sixteen years. A restricted minor's permit entitles  
14 the holder, while having the permit in his immediate physical possession, to operate a motor  
15 vehicle during the hours of 6 a.m. to 8 p.m. standard time if the motor vehicle is being operated  
16 with the permission of the minor's parents or guardian and during the hours of 8 p.m. to 6 a.m.  
17 if the motor vehicle is being operated under the direction of the minor's parent or guardian who  
18 is occupying a seat beside the driver. The restrictions as to time of operation and operation under  
19 the direction of a parent or guardian do not apply to the holder of a valid restricted minor's  
20 permit operating a self-propelled agricultural machine which is not subject to registration under  
21 chapter 32-5, or operating a licensed motor vehicle to or from the home farm buildings to or  
22 from any adjacent or nearby farmland for the exclusive purpose of conducting farm operations.

1 **BILL HISTORY**

2 1/26/98 First read in House and referred to Transportation. H.J. 230

3 1/28/98 Scheduled for Committee hearing on this date.

4 1/28/98 Transportation Do Pass Amended, Passed, AYES 7, NAYS 6. H.J. 273