

State of South Dakota

SEVENTY-EIGHTH SESSION
LEGISLATIVE ASSEMBLY, 2003

950I0397

SENATE BILL NO. 65

Introduced by: Senators Kooistra and de Hueck and Representative Solum

1 FOR AN ACT ENTITLED, An Act to prohibit the use of a cell phone while operating a motor
2 vehicle.

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

4 Section 1. That chapter 32-26 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 For the purposes of this Act, the term, cellular radio telephone, means a wireless telephone
7 authorized by the Federal Communications Commission to operate in the frequency bandwidth
8 reserved for cellular radio telephones.

9 Section 2. That chapter 32-26 be amended by adding thereto a NEW SECTION to read as
10 follows:

11 No person may operate a motor vehicle on the streets or highways of this state while using
12 a cellular radio telephone. However, this prohibition does not apply to the following persons:

- 13 (1) A law enforcement officer on duty;
- 14 (2) An emergency vehicle driver on duty;
- 15 (3) A taxi cab driver on duty;
- 16 (4) Any person for medical emergency reasons;



1 (5) Any person in physical danger or who reasonably believes another person to be in
2 physical danger; or

3 (6) Any operator of a motor vehicle who has safely removed the vehicle out of the stream
4 of traffic to the shoulder of a street or highway or off the street or highway, and has
5 brought the vehicle to a complete stop.

6 A violation of this section is a Class 2 misdemeanor.