

State of South Dakota

EIGHTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 2007

400N0338

HOUSE JUDICIARY COMMITTEE ENGROSSED NO.

HB 1016 - 01/24/2007

Introduced by: The Committee on Judiciary at the request of the Bureau of Administration

1 FOR AN ACT ENTITLED, An Act to exempt law enforcement and emergency vehicle
2 accidents and convictions from certain driving records.

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

4 Section 1. That § 32-12-61 be amended to read as follows:

5 32-12-61. The Department of Public Safety shall file all abstracts of court records of
6 convictions received by it under the laws of this state and all accident reports received. The
7 Department of Public Safety shall maintain records or make suitable notations on the individual
8 record of each licensee and any person domiciled in this state who is required to have a driver
9 license showing the convictions, disqualifications, and other licensing actions for violations of
10 any state or local law relating to motor vehicle traffic control committed while the licensee or
11 person was operating any type of vehicle and the traffic accidents in which the licensee or
12 person has been involved. The information shall be readily ascertainable and available for the
13 consideration of the department upon any application for renewal of a license. However, with
14 the exception of convictions resulting from operation of a commercial motor vehicle, no
15 conviction for speeding which is ten miles per hour or less over the posted speed limit and no



1 speeding conviction received from another state may be entered on the licensee's driving record,
2 but may be recorded separately. The separate record may not be made available to the public.
3 No accident may be entered on the driving record of a law enforcement officer, firefighter, or
4 emergency medical technician if such accident resulted from the law enforcement officer's,
5 firefighter's, or emergency medical technician's response to a call of duty as a law enforcement
6 officer, firefighter, or emergency medical technician and the law enforcement officer, firefighter,
7 or emergency medical technician was lawfully engaged in the performance of official duties and
8 was driving an official vehicle. Such accident shall be recorded separately. The separate record
9 is not available to the public, except pursuant to court order or subpoena.

10 Section 2. That § 32-35-101 be amended to read as follows:

11 32-35-101. The Department of Public Safety shall furnish to any person upon request a
12 certified abstract of the operating record for the last three years of any person subject to the
13 provisions of this chapter. The abstract shall include enumeration of any motor vehicle accidents
14 in which the person has been involved and reference to any convictions of the person for a
15 violation of the motor vehicle laws as reported to the department. No accident may be entered
16 on the driving record of a law enforcement officer, firefighter, or emergency medical technician
17 if such accident resulted from the law enforcement officer's, firefighter's, or emergency medical
18 technician's response to a call of duty as a law enforcement officer, firefighter, or emergency
19 medical technician and the law enforcement officer, firefighter, or emergency medical
20 technician was lawfully engaged in the performance of official duties and was driving an official
21 vehicle. Such accident shall be recorded separately. The separate record is not available to the
22 public, except pursuant to court order or subpoena. The department shall collect four dollars for
23 each abstract. The fee shall be credited to the state motor vehicle fund. Any governmental entity
24 or subdivision is exempt from this fee.

State of South Dakota

EIGHTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 2007

400N0335

HOUSE JUDICIARY COMMITTEE ENGROSSED NO.

HB 1073 - 01/24/2007

Introduced by: The Committee on Judiciary at the request of the Office of the Attorney
General

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding identification and
2 recording for products containing pseudoephedrine or ephedrine.

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

4 Section 1. That § 34-20D-8 be amended to read as follows:

5 34-20D-8. If offering for sale a product containing pseudoephedrine or ephedrine as an
6 active ingredient, a retailer shall, before making such a sale, require and make a record of the
7 identification of the person purchasing the product containing pseudoephedrine or ephedrine.
8 For purposes of this section, the term, identification, means a document issued by a
9 governmental agency which contains a description of the person or a photograph of the person,
10 or both, and gives the person's date of birth, such as a driver's license, passport, or military
11 identification card. The retailer shall maintain the record of identification, including the
12 purchaser's name and date of birth. ~~On August 1, 2006, and no later than the fifth day of every~~
13 ~~month thereafter, the retailer shall send any such records to the Office of the Attorney General,~~
14 for two years, after which the record may be destroyed. No retailer may use or maintain the
15 record for any private or commercial purpose or disclose the record to any person, except as



- 1 authorized by law. The retailer shall disclose the record, upon request, to a law enforcement
- 2 agency for a law enforcement purpose.