

State of South Dakota

NINETY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 2019

490B0698

HOUSE JUDICIARY ENGROSSED NO. **HB 1130**
2/22/2019

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

Introduced by: Representative Haugaard

1 FOR AN ACT ENTITLED, An Act to revise provisions regarding certain Class 2
2 misdemeanors.

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

4 Section 1. That § 32-25-7 be amended to read:

5 32-25-7. The Transportation Commission may establish, by rules promulgated pursuant to
6 chapter 1-26, a maximum speed limit of less than that established by §§ 32-25-1.1 and 32-25-4
7 upon any highway or portion of highway under the jurisdiction of the Department of
8 Transportation, and any portion of highway under the jurisdiction of a state or federal agency
9 if requested by the agency. The speed limit established by the commission is the maximum
10 speed that any person may drive or operate any vehicle or class of vehicle upon that portion of
11 highway. The Department of Transportation shall conspicuously post signs at the beginning and
12 end of a portion of highway to show the maximum speed limit established by the commission
13 on that portion of highway. A violation of any maximum speed limit established by the
14 commission pursuant to this section is a ~~Class 2 misdemeanor~~ petty offense. Notwithstanding



1 §§ 23-1A-22 and 23-1A-23, the amount of a penalty imposed under this section shall be equal
2 to a Class 2 misdemeanor under § 22-6-2 and shall be distributed in accordance with § 23-3-52.

3 Section 2. That § 32-21-30 be amended to read:

4 32-21-30. The driver of a motor vehicle shall comply with any lawful order, signal, or
5 direction of a peace officer; submit to any lawful inspection under this chapter, and comply with
6 the provisions or requirements of a warning ticket issued by a peace officer. A violation of this
7 section is a ~~Class 2 misdemeanor~~ petty offense. Notwithstanding §§ 23-1A-22 and 23-1A-23,
8 the amount of a penalty imposed under this section shall be equal to a Class 2 misdemeanor
9 under § 22-6-2 and shall be distributed in accordance with § 23-3-52. Venue of a violation of
10 this section shall be in the county where such offense takes place, or in which such warning
11 ticket is issued and delivered, and, in the event such county is unorganized, trial shall be had in
12 the county to which it is attached for judicial purposes.

13 Section 3. That § 32-5-98 be amended to read:

14 32-5-98. Except as otherwise specifically provided, no person may operate or drive a motor
15 vehicle on the public highways of this state unless the vehicle has a distinctive number assigned
16 to it by the department, and two number plates, bearing the number conspicuously displayed,
17 horizontally and in an upright position, one on the front and one on the rear of the vehicle, each
18 securely fastened. The plates shall at all times, as far as is reasonably possible, be kept clear and
19 free of mud, ice, or snow so as to be clearly visible. All number plates, markers, or stamps
20 evidencing registration or licensing of any vehicle in this or any foreign state, territory, district,
21 or possession and any plate, marker, or stamp used in substitution for or in lieu of the number
22 plates required by this section by virtue of any law or executive order for any prior year or years
23 shall be removed from such vehicles. A motorcycle is only required to display one number plate.
24 The motorcycle plate may be mounted in any visible manner other than upside down. A

1 violation of this section is a ~~Class 2 misdemeanor~~ petty offense. Notwithstanding §§ 23-1A-22
2 and 23-1A-23, the amount of a penalty imposed under this section shall be equal to a Class 2
3 misdemeanor under § 22-6-2 and shall be distributed in accordance with § 23-3-52.