

State of South Dakota

NINETY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 2018

930Z0595

HOUSE STATE AFFAIRS

ENGROSSED NO. **HB 1133** - 2/21/2018

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

Introduced by: Representatives Goodwin, Campbell, Dennert, Kaiser, Livermont, Marty, and Wiese and Senators Tapio, Greenfield (Brock), Jensen (Phil), Monroe, Nelson, Russell, Stalzer, and Youngberg

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding operating a vehicle
2 after consumption of a controlled drug or substance.

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

4 Section 1. That § 32-23-21 be amended to read:

5 32-23-21. It is a Class 2 misdemeanor for any person under the age of twenty-one years to
6 drive, operate, or be in actual physical control of any vehicle:

7 (1) If there is physical evidence of 0.02 percent or more by weight of alcohol in the
8 person's blood as shown by chemical analysis of the person's breath, blood, or other
9 bodily substance; or

10 (2) After having consumed marijuana or any controlled drug or substance not obtained
11 pursuant to a valid prescription for as long as physical evidence of the consumption
12 remains present in the person's body.

13 If a person is found guilty of or adjudicated for a violation of this section, the Unified



1 Judicial System shall notify the Department of Public Safety. Upon conviction or adjudication,
2 the court shall suspend that person's driver's license or operating privilege for a period of thirty
3 days for a first offense, one hundred eighty days for a second offense, or one year for any third
4 or subsequent offense. However, the court may, upon proof of financial responsibility pursuant
5 to § 32-35.43.1, issue an order permitting the person to operate a vehicle for purposes of the
6 person's employment, attendance at school, or attendance at counseling programs.