

# State of South Dakota

EIGHTY-FIFTH SESSION  
LEGISLATIVE ASSEMBLY, 2010

833R0503

## HOUSE BILL NO. 1178

Introduced by: Representatives Nygaard, Blake, Bolin, Conzet, Engels, Lucas, Olson (Betty), Sly, Solberg, Turbiville, and Wink and Senators Tieszen, Abdallah, Merchant, Miles, Nelson, Nesselhuf, Schmidt, and Vehle

1 FOR AN ACT ENTITLED, An Act to prohibit the use of certain wireless communications  
2 devices while driving.

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

4 Section 1. That chapter 32-24 be amended by adding thereto a NEW SECTION to read as  
5 follows:

6 For the purposes of this Act, the term, wireless communications device, means a hand-held  
7 cellular phone or a portable electronic device that is capable of receiving and transmitting data,  
8 including text messages and e-mail. The term does not include a device that is permanently  
9 affixed to the vehicle, or a global positioning system or navigation system, if the system is used  
10 exclusively for navigation purposes.

11 Section 2. That chapter 32-24 be amended by adding thereto a NEW SECTION to read as  
12 follows:

13 No person may operate a motor vehicle upon a highway while the person is using a wireless  
14 communications device to compose, read, or send an electronic message. A person who violates



1 this section is guilty of careless driving with a wireless communications device. Careless driving  
2 with a wireless communications device is a Class 2 misdemeanor.

3 Section 3. That chapter 32-24 be amended by adding thereto a NEW SECTION to read as  
4 follows:

5 The provisions of this Act do not apply to any person operating an authorized emergency  
6 vehicle as defined in § 32-14-1.